



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

B 1,012,026









---

THE  
PARLIAMENTARY  
DÉBATES,

New Series,

VOL. IX.

---


\* \* *All Communications for this Work, if forwarded to Mr. WRIGHT, No. 112, Regent-Street, or to Mr. T. C. HANSARD, Pater-noster-Row Press, will be carefully attended to; but, as an early publication of the proceedings of each Session is extremely desirable, it is respectfully requested that such Communications may be forwarded with as little delay as possible.*

---

*Of the same Proprietors may be had, in Thirty-six Volumes,*

THE  
PARLIAMENTARY HISTORY  
OF ENGLAND,  
FROM THE EARLIEST PERIOD  
TO THE YEAR 1803.

---

 *The Editor is preparing for the Press, to be comprised in Two Volumes,*

I. *A GENERAL INDEX to the Parliamentary History of England from the earliest Period to the Year 1803: and*

II. *A GENERAL INDEX to the Parliamentary Debates from the Year 1803 to the Accession of GEORGE THE FOURTH, in 1820.*

*The two Volumes will form a complete Parliamentary Dictionary, or ready Book of Reference, to every recorded Proceeding of importance that may, at any time, have come before the two Houses of Parliament.*



THE  
PARLIAMENTARY  
DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED  
“ THE PARLIAMENTARY HISTORY OF ENGLA  
FROM THE EARLIEST PERIOD TO THE YEAR 1803.”

---

PUBLISHED UNDER THE SUPERINTENDENCE OF  
T. C. HANSARD.

---

*New Series;*  
COMMENCING WITH THE ACCESSION OF GEORGE

---

VOL. IX.  
COMPRISING THE PERIOD  
FROM  
THE FIRST DAY OF MAY,  
TO  
THE NINETEENTH DAY OF JULY, 1823.

---

L O N D O N :

Printed by C. C. Hansard at the Water-nigger-Row Press,  
FOR BALDWIN, CRADOCK, AND JOY ; J. BOOKER ; LONGMAN, HURST, REES, A  
J. M. RICHARDSON ; KINGSBURY AND CO. ; J. HATCHARD AND SON ; J. RI  
AND SONS ; E. JEFFERY AND SON ; RODWELL AND MARTIN ; R. H.  
BUDD AND CALKIN ; J. BOOTH ; AND T. C. HANSARD.

---

1824.

J  
301  
.H21  
v.9

---

# TABLE OF CONTENTS

TO

VOLUME IX.

*NEW SERIES.*

---

I. DEBATES IN THE HOUSE OF LORDS.	IV. KING'S MESSAGES.
II. DEBATES IN THE HOUSE OF COMMONS.	V. PARLIAMENTARY PAPER.
III. KING'S SPEECHES.	VI. PETITIONS.
	VII. LISTS.

---

## I. DEBATES IN THE HOUSE OF LORDS.

1823.

May	1.	Equitable Adjustment of Contracts—Petition of Mr. Thomson	
	12.	Negotiations relative to France and Spain—Foreign Policy of Great Britain .....	
	22.	Austria and Switzerland.....	
	27.	Commutation of Tithes in Ireland .....	
		Marriage Act Amendment Bill.....	
June	3.	Foreign Wool .....	
		Marriage Act Amendment Bill.....	
	12.	Dissenters' Marriages Bill.....	
	16.	Silk Manufacture Bill .....	
	19.	The Duke of Devonshire's Motion on the State of Ireland .....	1
	26.	Appellate Jurisdiction .....	1
	30.	Marriages in Foreign Countries .....	1
		Appellate Jurisdiction .....	1
July	1.	Appellate Jurisdiction .....	1
	4.	Beer Bill.....	1
	7.	Irish Insurrection Bill.....	1
	8.	Irish Tithes Commutation Bill .....	1
	9.	English Catholics Elective Franchise Bill .....	1
		Irish Tithes Composition Bill .....	1

## TABLE OF CONTENTS.

1823.	<i>Page</i>
July 16. Silk Manufacture Bill .....	1529
17. Silk Manufacture Bill.....	1533
18. Roman Catholic Establishments .....	1534
19. King's Speech at the Close of the Session .....	1543

## II. DEBATES IN THE HOUSE OF COMMONS.

May 2.	Negotiations relative to Spain—King's Answer to Address	8
	Sheriff of Dublin—Inquiry into his Conduct .....	8
5.	Reform of Parliament—Petition from Edinburgh .....	31
	Sheriff of Dublin—Inquiry into his Conduct .....	34
6.	Sheriff of Dublin—Inquiry into his Conduct .....	69
7.	Sale of Game Bill—Petition of Mr. Cobbett against it .....	79
	Sheriff of Dublin—Inquiry into his Conduct .....	83
8.	Petition of Richard Carlile, complaining of the Seizure of his Property .....	114
	Breach of Privilege—Complaint against "The British Press"...	117
	Sheriff of Dublin—Inquiry into his Conduct .....	119
9.	Spital-Fields Silk Manufacture Acts—Petition for the Repeal thereof.....	143
	Scotch Linen Manufacture .....	150
	Sheriff of Dublin—Inquiry into his Conduct .....	151
12.	Law of Principal and Factor—Petition for an Alteration thereof	211
	Importation of Tallow—Petition for an Additional Duty on ...	213
	Beer Duties Bill.....	214
	Spital-Fields Silk Manufacture.....	217
	Irish Insurrection Act .....	218
14.	Foreign Wool Tax—Sir J. Sinclair's Petition against the Repeal of .....	239
	Sheriff of Dublin—Inquiry into his Conduct .....	239
	State of Newfoundland .....	245
15.	Slavery—Petitions for the Abolition of .....	255
	Slavery—Mr. Fowell Buxton's Motion for the Abolition of.....	257
16.	Conduct of Chief Baron O'Grady .....	360
	Irish Tithes Composition Bill .....	365
21.	Insolvent Debtors Act—Petition from Westminster for the Repeal of.....	376
	Silk Manufacture Bill .....	377
	Pretensions of Russia—North West Coast of America.....	387
	Irish Trading Vessels—Harbour and Light Dues .....	388
	Mr. Sykes's Motion for the Repeal of the Tax on Tallow Candles .....	390
	Sir James Mackintosh's Motion respecting the Rigour of our Criminal Laws .....	397
	Bull-baiting and Dog-fights .....	433
22.	Standing Order respecting Bills of Trade .....	435
	Austria and Switzerland .....	439
	The Greeks and Turks .....	441

# TABLE OF CONTENTS.

1823.

May 22.	Sheriff of Dublin—Inquiry into his Conduct .....	
	Half-Pay of the Army in Ireland.....	
	East and West India Sugars .....	
23.	Sheriff of Dublin—Inquiry into his Conduct .....	
26.	Sheriff of Dublin—Inquiry into his Conduct .....	
27.	Small Debts Recovery Committee .....	
	Combination of Workmen Bill .....	
	Felo de Se Bill .....	
	Sheriff of Dublin—Inquiry into his Conduct .....	
	Irish Joint Tenancy Bill.....	
28.	Special Juries—Petition of Mr. John Hunt .....	
	British Roman Catholics Tests Regulation Bill .....	
	Collection of the Malt and Beer Tax .....	
30.	Wages of Manufacturers—Use of Machinery.....	
	Irish Tithes Composition Bill .....	
June 2.	Agricultural Distress .....	
	Reform of Parliament—Devon Petition .....	
	Lord Archibald Hamilton's Motion on the State of the Scotch County Representation.....	
	Sheriff of Dublin—Inquiry into his Conduct .....	
	Sale of Game Bill .....	
3.	Mr. Abercromby's Motion relative to the Conduct of the Lord Advocate of Scotland in the Case of W. M. Borthwick.....	1
4.	Breach of Privilege—Complaint against "The Morning Chroni- cle" for reflecting on the Members of the House .....	6
	Colonel Wood's Motion respecting the Law of Settlement .....	6
	Mr. J. Williams's Motion relating to Delays in the Court of Chancery .....	7
	Barilla Duties .....	7
	Mr. J. Williams's Motion relating to Delays in the Court of Chancery .....	7
6.	Reciprocity of Duties .....	79
	Irish Tithes Composition Bill .....	80
9.	Silk Manufacture Bill .....	81
	Leeward Islands—Four and a Half per Cent Duties.....	81
	Expense of the Coronation .....	82
11.	Silk Manufacture Bill.....	83
	Mr. Western's Motion respecting the Resumption of Cash Pay- ments and Alterations in the Currency .....	83
12.	Mr. Western's Motion respecting the Resumption of Cash Pay- ments and Alterations in the Currency .....	90
	Mode of selecting Grand Juries—Petition from Liverpool .....	96
	Roman Catholic Marriages .....	96
13.	Barilla Duties Bill .....	97
	Beer Duties Bill.....	97
	Conduct of Chief Baron O'Grady .....	97
16.	London Bridge Bill .....	98
	Irish Tithes Composition Bill .....	98
17.	Beer Duties Bill.....	99
	Conduct of Chief Baron O'Grady.....	99



# TABLE OF CONTENTS.

1823.		Page
June 17.	Usury Laws Repeal Bill .....	1014
18.	Burning of Hindoo Widows .....	1017
	Hindoo Infanticide.....	1021
	Employment of the Poor of Ireland—Mr. Owen's Plan.....	1021
	Sir Gerard Noel's Motion relative to Olive (styling herself) Princess of Cumberland .....	1022
	British Roman Catholics Tests Regulation Bill .....	1031
19.	Reform of Parliament—Petition from Newcastle-upon-Tyne ...	1072
	Petition of Mr. Butt, complaining of his Confinement .....	1074
	Middlesex County Court .....	1079
	Mr. Hume's Motion relative to Promotions in the Navy .....	1079
	Jurors Qualification Bill .....	1103
	Coronation Expenses .....	1106
20.	Library of the late King—British Museum.....	1112
23.	British Roman Catholics Tests Regulation Bill .....	1127
	Lottery .....	1139
24.	Petition of the Hon. Basil Cochrane, complaining of the Con- duct of the Victualling Board in the Examination of his Ac- counts .....	1139
	Irish Insurrection Bill .....	1147
25.	Inequality in the Administration of the Law—Petition of the Roman Catholics of Ireland .....	1203
	Historical Painting—Petition of B. R. Haydon.....	1209
	Mr. Hume's Motion respecting the Office of the Lord Lieute- nant of Ireland .....	1212
	Education of the Poor in Ireland.....	1241
	Larcenies (Benefit of Clergy) Bill .....	1244
26.	Petition of George Rowan—Complaint against Colonel Crosbie, a Member of the House.....	1253
	Mr. Brougham's Motion respecting the Administration of the Law in Ireland .....	1255
27.	King's Message respecting Viscount St. Vincent's Annuity.....	1318
	Petition of George Rowan—Complaint against Colonel Crosbie, a Member .....	1318
	Usury Laws Repeal Bill .....	1319
30.	Private Mad-houses .....	1332
	Scotch Juries Bill .....	1334
	Scotch Commissaries Courts Bill .....	1337
	Roman Catholics Elective Franchise Bill.....	1341
July 1.	British Museum .....	1357
	Petition of George Rowan—Complaint against Colonel Crosbie, a Member .....	1361
	Religious Opinions—Petition of Ministers of the Christian Reli- gion for Free Discussion .....	1365
2.	New South Wales Jurisdiction Bill.....	1400
	Capture of the Ship Requin in the Garonne by Mr. Ogilvie ...	1405
	The Budget.....	1412
	Conduct of Chief Baron O'Grady.....	1422
3.	General Index to Journals—Ingrossing Bills .....	1428
	Conduct of Chief Baron O'Grady.....	1429

## TABLE OF CONTENTS.

<b>1823.</b>		
<b>July</b>	<b>4.</b>	<b>Irish Tithes Composition Bill .....</b>
	<b>7.</b>	<b>Conduct of Baron M'Clelland—Petition of John Quin.....</b>
		<b>Prisons Bill—Flogging .....</b>
		<b>New South Wales Jurisdiction Bill .....</b>
	<b>8.</b>	<b>New South Wales .....</b>
		<b>Distilleries Bill .....</b>
		<b>Collection and Management of the Land Tax .....</b>
		<b>Conduct of Chief Baron O'Grady.....</b>
	<b>9.</b>	<b>Penitentiary at Millbank .....</b>
		<b>Jurors Qualification Bill .....</b>
		<b>Foreign Policy of the Country..... 1</b>
		<b>Conduct of Chief Baron O'Grady .....</b>
	<b>10.</b>	<b>Delays in the Court of Chancery .....</b>
		<b>Scottish Law Commission Bill .....</b>
		<b>Quarantine Regulations at Malta .....</b>
	<b>18.</b>	<b>Silk Manufacture Bill..... 1</b>

### III. KING'S SPEECHES.

<b>July 19.</b>	<b>King's Speech at the Close of the Session.....</b>	<b>15.</b>
-----------------	---	------------

### IV. KING'S MESSAGES.

<b>June 27.</b>	<b>King's Message respecting Viscount St. Vincent's Annuity ...</b>	<b>131</b>
-----------------	---	------------

### V. PARLIAMENTARY PAPERS.

#### FINANCE ACCOUNTS FOR THE YEAR ENDED 5TH JANUARY 1823.

<b>CLASS I.</b>	<b>Public Income .....</b>	<b><i>Appx.</i> ii</b>
<b>II.</b>	<b>Public Expenditure .....</b>	<b>viii</b>
<b>III.</b>	<b>Consolidated Fund .....</b>	<b>xiv</b>
<b>IV.</b>	<b>Public Funded Debt .....</b>	<b>xvi</b>
<b>V.</b>	<b>Unfunded Debt.....</b>	<b>xix</b>
<b>VI.</b>	<b>Disposition of Grants .....</b>	<b>xx</b>
<b>VII.</b>	<b>Arrears and Balances .....</b>	<b>xxi</b>
<b>VIII.</b>	<b>Trade and Navigation... ..</b>	<b>xxii</b>

### VI. PETITIONS.

<b>May</b>	<b>7.</b>	<b>PETITION of Mr. Cobbett against the Sale of Game Bill .....</b>	<b>81</b>
	<b>9.</b>	<b>- - - - of the Silk Manufacturers of London and Westminster, for the Repeal of the Spitalfields Acts .....</b>	<b>143</b>
	<b>28.</b>	<b>- - - - of Mr. John Hunt respecting Special Juries .....</b>	<b>563</b>
<b>June 24.</b>		<b>- - - - of the Hon. Basil Cochrane, complaining of the Conduct of the Victualling Board in the Examination of his Accounts .....</b>	<b>1143</b>

## TABLE OF CONTENTS.

	<i>Page</i>
<b>June 25. PETITION of the Roman Catholics of Ireland, respecting Inequality in the Administration of the Law .....</b>	<b>1203</b>
<b>July 1. - - - - of Ministers and Members of Christian Congregations for Free Discussion .....</b>	<b>1366</b>

## VII. LISTS.

<b>May 12. LIST of the Minority, in the House of Commons, on the Irish Insurrection Act Renewal Bill.....</b>	<b>238</b>
14. - - - of the Minority, in the House of Commons, on Mr. Hume's Motion for a Committee on the State of Newfoundland .....	255
21. - - - of the Minority, in the House of Commons, on Sir James Mackintosh's Motion respecting the Rigour of our Criminal Laws .....	432
22. - - - of the Minority, in the House of Commons, on Mr. Whitmore's Motion respecting the Duties on East and West India Sugars .....	467
28. - - - of the Minority, in the House of Commons, on Mr. Maberley's Motion respecting the Malt and Beer Tax .....	598
<b>June 2. - - - of the Minority, in the House of Commons, on Lord A. Hamilton's Motion on the State of the Scotch County Representation.....</b>	<b>642</b>
3. - - - of the Minority, in the House of Commons, on Mr. Abercromby's Motion respecting the Conduct of the Lord Advocate of Scotland, in the Case of W. M. Borthwick .....	690
5. - - - of the Minority, in the House of Commons, on Mr. J. Williams's Motion relating to Delays in the Court of Chancery .....	794
9. - - - of the Minority, in the House of Commons, on Mr. Fowell Buxton's Motion for recommitting the Silk Manufactures Bill .....	818
12. - - - of the Minority, in the House of Commons, on Mr. Western's Motion respecting the Resumption of Cash Payments and the State of the Currency .....	964
13. - - - of the Minority, in the House of Commons, on the Barilla Duties Bill.....	975
- - - of the Minority, in the House of Commons, on the Beer Duties Bill.....	977
16. - - - of the Minority, in the House of Commons, on the London Bridge Bill.....	989
- - - of the Minority, in the House of Commons, on the Irish Tithes Composition Bill .....	992
17. - - - of the Minority, in the House of Commons, on the Beer Duties Bill.....	993
- - - of the Minority, in the House of Commons, on the Usury Laws Repeal Bill .....	1017
19. - - - of the Minority, in the House of Lords, on the Duke of Devonshire's Motion respecting the State of Ireland ...	1072
- - - of the Minority, in the House of Commons, on Mr. Leonard's Motion respecting the State of the Middlesex County Court .....	1079
- - - of the Minority, on Mr. Hume's Motion relative to Promotions in the Navy.....	1102

## TABLE OF CONTENTS.

June 19.	List of the Minority, on Mr. Hume's Motion respecting the Expense of the Coronation .....
24.	- - - of the Minority, in the House of Commons, on the Irish Insurrection Bill .....
25.	- - - of the Minority, in the House of Commons, on the Larcenies (Benefit of Clergy) Bill .....
26.	- - - of the Minority, in the House of Commons, on Mr. Brougham's Motion respecting the Administration of Justice in Ireland .....
July 1.	- - - of the Minority, in the House of Commons, on receiving Mr. G. Rowan's Petition, complaining of the Conduct of a Member.....





# THE Parliamentary Debat

During the Fourth Session of the Seventh Parliame  
the United Kingdom of Great Britain and Ire  
appointed to meet at Westminster, the Fourth Da  
February 1823, in the Fourth Year of the Reign o  
Majesty King GEORGE the Fourth.

HOUSE OF LORDS.

*Thursday, May 1, 1823.*

## **EQUITABLE ADJUSTMENT OF CON- TRACTS—PETITION OF MR. THOMSON.]**

Earl Stanhope presented a petition from Charles Andrew Thomson, of Chiswick, in the county of Middlesex. The petition was the same as the one presented from the same gentleman to the House of Commons, a copy of which will be found in our preceding volume, at p. 188. After it had been read,

Earl Stanhope rose and addressed their lordships nearly as follows:—My lords, the petition which has just been read brings under your consideration a subject of very general interest and extreme importance—it is that subject of equitable adjustment, which has been so much misunderstood by some, and has been by others so much misapplied. An equitable adjustment is a phrase which of itself implies an adjustment upon principles of right, a true, clear, and undeniable consequence of that natural and immutable state of affairs, without which, although obedience to human laws may be enforced, those laws cannot command respect. It is evident, that if the government of a country alter the value of its currency, it ought in the same proportion, to alter the value of contracts made antecedent to such a regulation. By the introduction of the Bank Restriction bill in 1797, the value of the currency was rendered what it was not before; and such has proved to be the case not only with respect to gold, but by that which affords a much more accurate criterion, namely, by the value of manufactures and commerce. With

respect to gold, it must be reco  
that it cannot be understood as a st  
value, except when it is used for p  
of government. For a few year  
became itself depreciated to a gr  
tent, in the same manner as paper  
compared with gold. It has been  
that nothing can be more futile o  
fallacious than an attempt to meas  
market price of gold by the depre  
of currency at different periods.  
argument may suit those whose end  
is, to prevent the matter from being  
in its true light. As the value of tl  
rency, however, has been very diffe  
various periods, it is requisite, for tl  
of justice, to pursue the princip  
equitable adjustment, so that eac  
tract should be rectified or adjuste  
cording to the real original valu  
commodity bore at the period w  
was contracted for. This is anothe  
ciple of equitable adjustment, wh  
essentially different from all thos  
posals which we have heard of, f  
purpose of altering the standard,  
much as it would affect all contra  
the same proportion; for, by su  
equitable adjustment as I allude to  
contract would be restored to its v  
the time the parties contracted.  
are the principles that I conceive  
to regulate an equitable adjustment  
which none can be more just—nor  
be more necessary—I will not r  
say, for the safety and well-being  
even for the existence of the coun  
The object of my proposition, as  
equitable adjustment, is to rectify  
regulate, to their original value, al  
tracts made since the restriction of



such sums, to be paid to certain persons named, according to the valuation of the currency," that those words were to be understood as being applicable to the general value of the currency at the time the payments were to be made. Here again your lordships see the effect of an equitable adjustment acted upon in courts of law. Besides that, if we look to the example of other countries, I need only refer your lordships to the conduct of the emperor of Austria, and for which conduct, I dare say, the government of that country cannot be called in any respect revolutionary; in that country the present emperor having made considerable alterations in his currency, issued an edict to all the magistrates within his dominions, forbidding them, under the severest penalties, to open it before a certain day; and desiring them, at the same time, when that day came, to give it all possible publicity. When that edict was opened, it was found to contain a scale for the payment of debts, and directing all debts constituted by contracts previously obtained, to be paid according to that scale. It is also singular that the same country, Austria, should exhibit an example, not only of the sort of equitable adjustment here proposed, but also a measure similar in its nature to that bill, which has lately passed in this country, commonly called Mr. Peel's bill. Be that as it may, however, it is certain, that the paper currency of Austria has from time to time fluctuated from 440 to 250 in paper, as compared with 100 in silver. The emperor determined to ascertain the proportion between paper and silver which was settled at that time, and it was ascertained, that it afforded no more a just criterion of the value of silver in that country, than what are called the market-price of gold in this country. The emperor directed, as in this country, that the debts should be paid in silver, according to that ratio which he then established, and that system was begun in that country, having been occasioned by similar causes as have existed in this. At that time, the most grievous and intolerable inequality of payments prevailed in that country; and, as in this, the disproportionate value of payments was monstrous. Such a system as formerly prevailed in Austria, as to the payment of debts, was in the result, a source of extreme dissatisfaction and discontent

throughout the whole of the dominions.—Having troubled your lordships, at this length, upon the principles of this measure—which have been so unjustly calumniated—allow me to apply those principles to the case of this petitioner. He shews this—that he is in danger of losing his estates which were bought by him in the year 1811 for 132,000*l.*; he is in danger of being dispossessed and of losing those estates by the foreclosure of mortgage for 60,000*l.*, being one-half of the value of the estates in which that mortgage was granted. Your lordship then entered into an arrangement to compensate him for one-half of the losses sustained by the petitioners, founded upon the statement in his petition, and also stated various other cases of hardship, which had come under his knowledge, as arising from the depreciation of landed property. He mentioned one instance, in Herefordshire, where an estate was sold for some years ago, and which had been purchased by the original proprietor for 6,000*l.* He would ask their lordships whether it was possible to state more strong and energetic, to shew more cruelty and hardship which had been done to the petitioner and others in a similar situation, who were under the necessity of encountering account of the injustice arising from the inconceivably great reduction in the value of property, without any compensation being made in the value of the property. Those evils could only be remedied by an equitable adjustment; and if the system which he now proposes were adopted, the evils complained of could not be remedied. In duty to your lordships, their lordships were bound to prevent the mortgagee under such circumstances executing a foreclosure. Your lordship also mentioned the case of a person whose income had been reduced from 60,000*l.* a-year, to 30,000*l.* a-year, and the same annuities of 21,000*l.* a-year, to pay out of 30,000*l.* a-year, which would be to pay out of 60,000*l.* a-year. He was well aware, that 9,000*l.* a-year was not enough for any man; but he mentioned it to shew the proportion of the loss which was inflicted by the depreciation of the currency upon landed property. No man could willingly submit to be dispossessed of his property not only swallowed up or transferred into other hands. In order to pay claims arising from former contracts, and

under the necessity of disposing of twice the quantity of produce compared with the value of the property, when those contracts were entered into. He asked for justice being done to the public debtors—he asked for justice being done to the suffering people of this country—he asked for justice in redress of grievances, such as those which even Buonaparte, in the plenitude of his power, would not have allowed to exist. Unless those grievances were speedily redressed, we might expect that the country would be overwhelmed in ruin, or, at least, involved in convulsions which no man would desire to see, and which, perhaps, none have apprehended as likely to arise from such a cause. He called upon their lordships to arrest the progress of such consequences. But such was the state of affairs, that those grievances met them in every step. Should we ever again have occasion to revert to the question of peace or war, he should ask their lordships, how they could be prepared to go to war, even if menaced by some danger or distress, under such a state of circumstances? The sinews of war were money; and he would ask, whether they could expect to raise sufficient funds, if the landed proprietors of the country were so impoverished? He trusted, however, that the sinews of war did not merely consist in money, but in that unconquerable will and courage, which would never submit nor yield. Even in that case, he would ask, how they could expect that unconquerable will and courage to be evinced by a population oppressed as it was by the measures of government? No wonder that the people were distressed, discontented, and disaffected, by the continuance of evils in a system of government which tended to render them desperate. Unless the government were disposed to sink the country into a state far more base and abject than it had ever before exhibited at any time of its history, he had no doubt their lordships would find it necessary soon to redress those grievances, in order to restore the ancient energy of its population. He should think it his duty to bring forward some motion upon this subject of equitable adjustment; and he took that opportunity of thus stating his sentiments, however ineffectual his exertions might be, or whatever little success might attend them. The attention of parliament had been unfortunately occupied with a review of

transactions in which they had no direct concern; namely, that of considering the conduct of foreign sovereigns, in which they had, comparatively speaking, no right to judge, and whose conduct they had no power to control; while the government neglected redressing those grievances which existed in our own country, and which it was in their power to remedy. It was still his intention to submit various motions upon the subject of those grievances, whenever the time arrived when the result was likely to be more advantageous and beneficial than at the present moment. He could not, however, lose that opportunity of protesting against leaving unredressed and unconsidered by parliament, the state of the currency which imposed such tremendous grievances upon the country. The petition which had given rise to these observations, he viewed as the petition, not of one individual, but of every individual in the realm, from the highest to the lowest; because every one was concerned in the benefits to be derived from the just principle of an equitable adjustment. It was therefore his intention, upon those general principles, to move, upon some future day, that this petition be taken into consideration; but, at present, he should content himself with moving that it be laid upon the table.

The motion was agreed to.

## HOUSE OF COMMONS.

*Friday, May 2.*

NEGOTIATIONS RELATIVE TO SPAIN—**KING'S ANSWER TO ADDRESS.]—**Mr. Secretary Canning reported His Majesty's Answer to the Address of the House, as follows:

"I thank you for this loyal and dutiful Address: I receive with satisfaction the expression of your gratitude for my earnest endeavours to preserve the peace of Europe, and the assurances of your ready and affectionate support in any measures which I might find it necessary to adopt for maintaining the honour of my Crown, and the interest of my people."

**SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.]—**Mr. Spring Rice having moved, "That Dillon, M<sup>r</sup> Namara, and Terence O'Reilly, attornies of Dublin, do attend this House on the 9th of May,"

Mr. *Plunkett* said, he would avail himself of the opportunity which the motion afforded him of stating to the House a fact of considerable importance, not only to himself but to the question which had engaged, and was likely to engage still further, the attention of the House. It was in the recollection of the House, that both in the speech and motion of the hon. member for Armagh,\* it was charged against him, that in having filed an *ex officio* information, after bills of indictment had been ignored by the grand jury, he had acted, in his office of attorney-general for Ireland, without precedent, and had introduced into the administration of the law a practice of which no instance had occurred since the Norman conquest. He had upon that occasion suggested, that from the authority of the Court of King's-bench, in cases which he cited, a fair analogy was to be traced, and sufficient to justify his proceeding. He had remarked that it was unfair, because he could not produce the precedents for the reasons he then stated, to suppose they did not exist. He had, however, since received a letter from a Mr. Foley, an attorney of Ireland, a gentleman whom he had not the honour of knowing, in which that gentleman stated, that seeing the reports of those debates in parliament, in which this subject had been mentioned, and the manner in which the argument had been used, he was induced, from a sense of justice to inform him that he believed a case took place in Ireland twelve years ago, in which an *ex officio* information had been filed by the attorney-general, after bills of indictment for the same offence had been ignored by the grand jury. He had replied to that letter, by thanking Mr. Foley, and requesting him to inquire into the subject. Mr. Foley had done so; and the following were the particulars. In October, 1811, a bill of indictment was preferred against a person of the name of Leach, for writing a letter to sir Edward Littlehales, soliciting the appointment of the place of Barrack-master. The bill contained three counts: the first was for sending a letter, proposing to give a bribe; the second, for offering money by way of bribe; and the third, for offering securities for money by way of bribe. That bill was ignored by the grand jury. The court of King's-bench, impressed

with the disproportion between the finding, and the bill to be preferred. That was also ignored; and, in the following, an *ex-officio* information filed by his predecessor is held then in his hands at the indictment, and of the formation that followed. And yet Mr. Saurin, the attorney-general of that day, was never called upon to explain the grounds upon which he pursued that course. He (Mr. P.) not having heard of this during the recent discussion of its having escaped the notice of his predecessor. He did it a duty to lay these documents before the House; because it did not seem to inculpate the conduct of the hon. gentleman who had proposed it, but he owed it to his own state, that, twelve years ago, nothing had been done for which he was censured, and in which he was with having acted unparliamentary conduct of the attorney-general. The period had never been in which he had any doubt been in the name of justice. He felt it very strongly upon his own case, that the hon. gentleman had supported only acting in the course of

Mr. *Denman* asked if a bill had been passed in the case of the right hon. gentleman.

Mr. *Plunkett* replied, that it had been signed for want of a majority in consequence of the conduct of the defendant, and that he had lost a valuable appointment, and punishment had been visited upon him.

Mr. *Abercromby* said, he was surprised at the statement with the greatest propriety. They had been told, from the beginning to the end of this business, that it was a great imputation upon the character of the attorney-general for Ireland, who had acted without precedent. The hon. member for Armagh supported his speech by saying, that it had been unprecedented, and contrary to the practice of the court, and to the spirit of the British constitution. If the fact which had been then been known, it would have made the greatest possible difference. He wished, however, to ask whether it should be affirmed, or not, that the

\* See Vol. 8, p. 964.





of Ireland, who were necessarily better acquainted with the subject, and more immediately concerned in the conduct and issue of the proceeding than he could possibly be. On the motion of Mr. Calcraft, the Serjeant was directed to cause all persons summoned as witnesses, to withdraw from the gallery.

Mr. *Benjamin Riky* called in, and examined.

You are clerk of the crown in Ireland?—I execute the office of clerk of the crown in Dublin.

By Sir *J. Newport*.—How many years have you executed the office of clerk of the crown in Dublin?—For nearly 30 years; I have been in the office for 33 years.

Have you brought with you any document by which you can ascertain the state of the panels upon the commission juries in the city of Dublin?—I have.

Have you with you the panels for grand juries in the years 1819, 1820, 1821, and 1822?—I have, with the exception of the panel for Feb. 1820; I have the grand jury of Feb. 1820, but not the panel.

How comes that panel to be not in your possession?—The clerk whom I had at that time is dead; I was not able to lay my hand upon it, nor has it been found; I left directions when I was leaving Ireland to have it sent after me; I have got the grand jury, but not the panel.

Put in those panels which you have with you.—[The witness produced the same.]

Have you examined into the state of those panels, and can you state to the committee the number of corporators on each of those panels?—I have, and compared them with the list of common-council-men.

The question asked, is confined to the commission grand juries. There are other grand juries also impanelled in the city of Dublin, are there not?—There are.

What is the duty respectively of the commission grand juries and the other grand juries?—The duty of the commission grand jury is the disposing of indictments merely; that is the only court in Dublin of which I am an officer; however, I attend also the court of King's-bench, and I know that the grand jury of that court present all money affecting the city of Dublin, with the exception of certain presentments, made by the quarter sessions grand jury.

Can you then state what the respective attendance of the corporation upon the commission grand jury, and upon the other grand jury, are?—The term grand juries, consist, for the most part of the aldermen of Dublin; I never have attended the quarter sessions court, and I do not know any thing of it.

Are the commission grand juries composed, in the same proportion of common council, as those term grand juries, you have already mentioned?—I apprehend not.

Who are the other persons juries, besides the aldermen?—I believe; aldermen and sheriffs.

What is the meaning of the gentleman who has served the court or fined by reason of his not attending that office.

Are the committee to under common council are a different list of sheriffs-peers and the aldermen ways understood so.

How are the common council? There is first the guild of merchants, of merchants return, I think, there are different other corporations.

Do any of the other guilds number of common council as merchants?—None, I believe; every three years.

Will you state the number of common council, that were on commission grand juries in the year 1819, February commission, in 1819, common councilmen sworn on the panel and nine that were not sworn on the commission there were five sworn and nine not sworn.

Were they not sworn on account of tendance?—They were; at the February commission, in 1819, it appears that any common-council-man sworn on the grand jury, there were eleven on the panel in the December commission, in the February commission, it appears there were three sworn on the grand jury, and four others on the panel in 1820, is the February commission? I have not the panel, but I can get the jury from the record, and it appears that one common-council-man sworn on the grand jury; at the June commission, in 1819, there were two sworn on the panel and eleven on the grand jury; at the December, three on the grand jury and sixteen on the panel. In February 1820, there were nine sworn, and thirteen not sworn; in April there were seven sworn and two on the panel who were not sworn; in July there were seven sworn, and three on the panel not sworn; in August, there were eight sworn and nine not sworn; in January 1822, there were two sworn on the panel who were not sworn, and two not sworn; in June there were two sworn, and none other on the panel; of course, none on the panel; in August 1822, there was but one on the panel who was not sworn. In October 1822, there were fourteen sworn, and fourteen who were not sworn on the panel who were not sworn; in January 1823, there were fourteen sworn on the grand jury, and fourteen others on the panel who were not sworn; in February 1823, there were twenty-seven on that panel.

With reference to the last panel

spoken of, how many does the entire panel consist of?—Fifty.

Have you ever known any panel confined to so small a number as fifty?—I have not.

Will you read the numbers of each panel?—

The number on the panel in Feb. 1819, is 61; in July, 72; in Oct. 95; in Dec. 87. In 1820, in June, 71; in Oct., 66; in Dec., 71. In 1821, in Feb., 67; in April, 107; in July, 82; in August, 79; in Oct., 61. In 1822, in Jan., 77; in Feb., 87; in April, 68; in June, 72; in August, 85; in Oct., 62; then, on the panel of Jan. 1823, 50.

Can you state what places the fourteen who were sworn occupied in the panel in 1823, whether there were any persons before them on the panel, or whether they answered, and in what manner, according as they were placed upon the panel?—The grand jury, in 1823, answered within the first twenty-six names; namely, three absent persons only.

Have you ever known an instance, before this time, in which such a circumstance took place, as that the persons should have answered in rotation in the manner you have just now stated?—I do not remember any such circumstance.

It appears that there were upon the panel, in Jan. 1823, twenty-seven common-council-men; 14 sworn, and 13 on the panel that were not sworn; out of a number of fifty, had you ever before known an instance in which the common council formed a majority of the commission panel?—I do not find any such circumstance.

What was the entire number of the panel in August 1821?—Seventy-nine.

What was the number of common-council-men?—Forty.

By Mr. *Plunkett*.—How do you reconcile that with saying, that there was no instance, except the last, in which there was a majority of common-council-men?—I understood the question was in equal proportions; I misconceived the question; the corporators are 27, which is more than the half of fifty; but, perhaps, I have fallen into an error.

By Sir J. *Newport*.—Were the 14 common-council-men, whom you have stated to be sworn upon this panel, placed at the head of the panel?—The whole jury, with the exception of two after the foreman, answered in succession, until I came to the twentieth, there was then an absent gentleman, and then the other four were sworn; so that the whole jury ran in succession, with the exceptions I have mentioned.

Were the three that were absent, common-council-men or not?—Two of them, I think, were common-council-men; Lane, Sparrow, and White, are the absent gentlemen. Mr. Lane is a common-council-man; Mr. Sparrow, I believe, is not; and Mr. White is.

Is it in the ordinary course of calling over the commission grand jury, that the grand jury is completed, without going nearly through the panel, in calling them over?—Very seldom;

frequently the panel is called over twice, and often on fines.

Will you look at the panels of the preceding year, and state how far down the call proceeded before the grand jury was completed?—The range is from 57 to 105; there are, of course, intermediate numbers, 59, 67, 89, and so on.

By Lord *Milton*.—In the panel of the grand jury immediately preceding the last, what rank on the panel was the last named of the grand jury?—Fifty-six.

What rank was it on the one next previous to that?—Eighty-five.

By Mr. *Brougham*.—You mean by that, that the last man sworn on the grand jury was the eighty-fifth upon the panel?—Yes; but it frequently happens that the panel is called over and there are not enough without calling them on fines.

Will you state the place of the last man on the grand jury on each occasion?—It frequently happens that the names of the grand jury are called over to the end of the panel; a sufficient number to form the grand jury not appearing, they are called on fine, and then short of the last man frequently a grand jury are found.

What is the lowest number on the panel sworn on each occasion?—I shall be obliged to reckon them; they are not numbered on the panel.

Have you any means of informing the committee of the distinction between a person being called on fines, and a person being called on the first time that the panel is gone through?—In some instances, I have a statement of the number of fines appearing on the face of the panel; in other instances I have not, as the judges sometimes direct that the panel shall be called on fines without actually entering them, and not having a wish to inflict fines if it is not necessary. I have already stated, that 57 appears to be the lowest number, and 105 the highest.

Have you any means of stating whether, on any given occasion, the whole of the panel was exhausted before a jury was obtained?—I have.

State in how many cases the panel was exhausted?—There are 18 panels; it will take some time to go through them.

[The witness was directed to make a return of the number of panels which were exhausted; the number of fines imposed; and, in respect of the panels that were not exhausted, the lowest number that was called.]

By Sir J. *Newport*.—In what manner is the panel delivered in, and by whom?—It is delivered to me by the sheriff, annexed to a precept which has been previously delivered to him, calling for the grand jury.

By Mr. *S. Rice*.—On the grand jury, in Jan. 1823, how many common-council-men were sworn?—Fourteen.

Is there any other occasion that has come within your knowledge, in which there has been upon the grand jury a majority of the common-council-men sworn?—None.

Referring to the panel of 1821, on which there was a majority of the common-council, will you inform the committee, whether that was, or was not, the occasion of the king's visit to Ireland?—It was.

Was there any business transacted by that grand jury?—The court adjourned in half an hour, all business being then done.

By Dr. *Phillimore*.—At what time of the year did the present sheriff enter into his office?—At Michaelmas.

By Mr. *S. Rice*.—What was the smallest number which you ever recollect to have been called on the panel before the twenty-three were sworn?—Fifty-seven.

By Mr. *Scarlett*.—Is the panel delivered to you by the sheriff or the under-sheriff?—Invariably, by one of the high sheriffs; they are usually both in court, but one hands the panel to me from his box to where I sit under the judge.

That was the case on the last occasion, was not it?—Yes, it was.

By Colonel *Barry*.—Is it not usual in the commission succeeding an election of common-council-men, to pay them the compliment of putting them on the grand jury; and are there not more common-council-men put upon that than on common occasions?—My answer, then, is to apply to a jury every third year; there was a new common-council I believe, in Dec. 1822, from 1816 to 1819, and from 1819 to 1822. I do not belong to the corporation; I am not an officer of that board.

Will you refer, by going three years back, to Dec. 1819, and compare the one of Jan. 1820?—There was no commission in January 1820; the commission was in February. I have not the panel of February, but I have the grand jury.

Is that the only panel you have not?—It is the only panel within this range that I have not; but I have the crown-book, in which the grand jury are entered from the panel. The panel has not been looked upon as a record when the indictments are found, and the caption added to those indictments; I, however, preserve them.

That one which you asked for is the only one which is missing?—It is.

By Sir *J. Mackintosh*.—Have you the means of answering that question, in reference to former years, before the year 1819?—I have not; my search went back, commencing with 1819; but I have the sworn grand jury alluded to, in February, 1820.

Can you account to the committee, why that particular panel should be missing?—I cannot.

How many common-council-men were there upon that grand jury in February 1820?—One only.

Have you not stated, that you have in your

possession a document which is equivalent to the panel; the jury in Feb. 1820?—So far jury go, I have.

By Colonel *Barry*.—Will you consider that equivalent?—Because it is entered in the panel immediately on sworn, and becomes the record.

Does it show the number of common-council-men who are upon the grand jury?

Then how can it be equivalent?—I believe I have answered the grand jury go; if not, I cannot say that.

Can you state the name of the common-council-man who was sworn in January 1823, and how many were sworn?—[Here the witness produced the crown-books the panel of 1823.]

Can you state, which of the common-council-men were members of the common-council?—I can do it in a very short time. [The witness was directed to return.]

What is the smallest number of common-council-men on the panels you have before the grand panel of October 1822?

By Mr. *Brownlow*.—When did he make his first return to you in 1822?

What number did that return show?—Sixty-two.

The next return he made was for the panel of Jan. 1823?—It was.

How many did that return show?

Are the panels in all cases sworn by the sheriffs?—They are.

Was the panel in 1822 sworn by Cooper and sheriff Thorpe?—We consider them but one.

Is it not a matter of not record, the renewal of the common-council?—The succeeding great common-council has a greater proportion of common-council-men than the panels preceding the common-council?—I never heard of this night.

By Sir *J. Mackintosh*.—What was the number of common-council-men who were sworn upon the grand jury of the common-council in 1820?—One only.

Was that the panel in which the common-council-men were sworn?—Understood.

By Mr. *T. Ellis*.—Have you any means of ascertaining how many persons were sworn upon the grand jury in 1823, were common-council-men?—No otherwise than by the almanack, which gives the names of them.

Have you referred to the house?—I have not it in the house. I was directed to add the number of common-council-men sworn in January, 1823, who were common-council-men.

Do you know whether a

cil-men who attended on that occasion in court, had attended on previous occasions at one or other times before, or whether any of them attended for the first time on the grand jury at that time?—I have not made any such examination.—[The witness was directed to add this to his return.]

By Mr. *S. Rice*.—Is the year in which the triennial election of members of the common-council takes place, a matter of notoriety in Dublin?—Oh, certainly.

Did it take place in December last?—Shortly previous to December they enter upon their office.

Was there a commission of Oyer and Terminer in Dublin, in Oct. 1822?—There was.

Are you aware who made out, copied, and returned the lists of the grand juries and petit juries for such commission?—I received the juries from the sheriff; I know nothing of the making of them out. I have no connexion whatever with the Sheriff's-office; the first knowledge I have of the panels coming from the sheriff, is his handing them to me in court.

By Mr. *Bright*.—Do you know, whether, in point of fact, those members of the common-council who were last elected, were upon the last panel?—I do not know at present.

By Colonel *Barry*.—If there is a failure in attendance of grand jurors, it is usual in the court to impose a fine, is it not?—It is usual to call the panel on fines, and frequently to impose fines.

Was there not a very strong expectation of business of very great importance in the different courts, to occur at this commission?—I do not recollect any thing of importance, but the affair at the theatre.

Was not there an indictment of the conspirators, the ribbon-men?—I believe that was in the county of Dublin, therefore my first answer should be with reference to the city of Dublin; the business for the county and city of Dublin is done in the same court, and going on by the same judges.

In the October preceding, was not there a trial of ribbon-men in the city of Dublin?—There was, of several.

With such important business before the court, would the chance of a person not attending being fined, be considerably greater?—I should suppose so.

Would not that, in your opinion, account for a greater attendance of grand jurors appearing consecutively than upon another occasion?—The jury have been frequently called on fines, and not answered in the same consecutive order, I never knew an instance of their so answering before.

By Mr. *S. Rice*.—Are you acquainted with the situation in life of Joseph Henry Moore, who appears to have been one of that grand jury?—I cannot say that I am.

Do you know that he acts as agent to the Atlas Insurance office, in Dublin?—I have heard that he does?—I do not know.

By Mr. *Hume*.—Have you made diligent search for the panel of 1820, which is now missing?—I have.

Is that the panel which you stated was missing in consequence of the death of your clerk?—My clerk died shortly after that period; I do not know that it was in consequence of his death that the panel was missing.

By Mr. *Plunkett*.—When did you first miss that panel; when did you first discover it was not among the others?—They were never put together; they are usually rolled round the papers of the commission to which they belong. That panel I missed on Friday last.

Have the sheriffs of Dublin returned any commission grand panel to you, since January 1823?—They have.

How many did that grand panel consist of?—The panel of Feb. 1823, consisted of eighty-nine.

When did you first search for the panel of Jan. 1820?—On the day on which I could not find it.

When did you first see that panel?—I think I did not see it since the sitting of the commission; it is usually rolled round the papers of the commission, and they are put up in the press.

By Mr. *Brownlow*.—Where are those panels kept?—The papers of old date are preserved in the office, in a room in Green-street, attached to the court. The papers of more recent date are preserved in an apartment in my house, where the business is executed.

Are you to be understood to state, as the probable reason of that panel of 1820 being missing, the death of your clerk?—The panel might not be forthcoming, if he was living; but he would have been the most likely person, I think, to have found it.

By Mr. *F. Lewis*.—Are you able to state how many common-council-men appear in the panel returned in Feb. 1823, consisting of 89?—I can, by reference to the document.—[The witness was directed to add this to his return.]

By Lord *Stanley*.—Are you aware of any remarkable circumstance attending the panel that is missing?—I was not aware of any importance attached to it, till the questions proposed to me this morning.

By Mr. *Bright*.—You are not aware of any circumstance in that panel differing from the complexion of the other panels?—No.

Are you aware of any irregular or unusual practice in respect of the formation of the panel of Jan. 1823, except as far as concerns the numbers put upon it?—None.

By Mr. *Denman*.—Have you any means of recovering that panel in Feb. 1820, from any other source?—I should suppose in the Sheriffs-office only. The panel was made out there, and most probably they may preserve a copy of it.

Can you obtain, yourself, the panel of Jan. 1817?—If I were in Dublin, I dare say I could.



Could you by sending for it?—I dare say it will be forthcoming.

Are there the means of seeing how many common-council-men were upon that panel, in the same way as it may be ascertained with respect to the panel of Jan. 1823, and of Jan. 1814?—Of course.—[The witness was directed to obtain those two panels.]

By Mr. *R. Martin*.—Are you not acting clerk of the crown for some counties in Ireland?—I execute the office of clerk of the crown on the home circuit, consisting of Meath, West Meath, King's County, Queen's County, Kildare and Carlow.

In this office, has it occurred to you to observe that a grand jury has been formed in going over 26 of the names upon the panel?—I think not.

Is it not an object with gentlemen in the counties, and conceived desirable by them, to appear at the assizes, and be upon the grand jury?—I have always observed a great desire on the part of the gentlemen, to attend.

And you are pretty certain that a grand jury was not obtained without calling for more names than 26?—I have no doubt of that.

By Mr. *Brownlow*.—Having stated that there was nothing else unusual on the face of the panel of Jan. 1823, except the small number of names put upon that panel, was it not unusual for 23 out of 26 persons to answer consecutively?—I thought I answered beyond the observations I have already made; namely, the smallness of the number on the panel; the extent of the number of common-council-men sworn on the grand jury, and the 13 common-council-men that were not sworn, to be added to that.

Then, in point of fact, there were three unusual circumstances attending that panel?—So it occurred to me.

Was there any thing unusual or irregular in the mode of composing the panel before the parties were sworn in Jan. 1823, except the number upon it?—It was unusual to have so small a number as 50 upon the panel; to have 14 common-council-men sworn on the grand jury; to have more than one-half of the whole panel common-council-men.

By Mr. *Ellis*.—You have stated Mr. Moore to be on that grand jury?—Joseph Henry Moore, of Bachelor's walk; I see he is. He also appears to be a common-council-man.

Can you say whether he was not a member of the former common-council?—Yes, he was.

Are not Mr. Moore and his family old and settled inhabitants of Dublin?—I do not know any thing of him; he appears to be a very respectable gentleman.

Was Mr. M'Guller, one of the persons indicted, a clerk to Mr. Moore?—I do not know. The persons indicted were Forbes, two Grahams, two Handwicks, and Brownlow.

By Mr. *S. Rice*.—Can you state, in reference to the panel of Jan. 1823, whether there are the names of any Roman Catholics upon that panel?—I believe there are not.

You can state, of your knowledge on former panels of commission there were Catholics?—It is never inquired into.

Have you ever known Rot serve on the commission grand jury in?—I have not a sufficient knowledge to persuade those gentlemen are the question.

By Mr. *Plunkett*.—Do you recollect at any time, and when, sent the grand jury in the year 1822, to any person?—In the evening of the 1st of Jan. 1823, I sent the grand jury to the house of the attorney general in Ireland.

Was that the evening of the grand jury sat?—It was; the indictments were preferred on the 1st of Jan. about two o'clock in the afternoon, the grand jury remained together until the afternoon, the bills were posed of; they were sent up the next day and upon the evening of the 1st of Jan. the panels in consequence of a delay were received.

Were you sent by the court to the grand jury, in the evening of that first day in consequence of the length of the bills were before the grand jury, I ordered me to go up to the grand jury to inform them whether they were likely to answer the bills that were before them; and they accordingly went up.

Is it usual for the court to do so?

Have you ever known it done on any occasion. I cannot recollect the occasion of it. In general, the grand jury attend the bills pretty speedily after they are posed of; but it may have occurred; I cannot charge my memory with it.

Had the court any business before the grand jury when they sent you to the grand jury to inform them whether they were likely to answer the bills that were before them; and they accordingly went up.

Have you any means of knowing the number of witnesses they examined?—A great number; they were sent to the grand jury; how many they examined I cannot say.

How many were sworn?—I cannot say.

There were a great number sworn.

If the grand jury were to examine the witnesses, would it strike you as any thing unusual that they occupied so much time?—It occurs to me that they might have examined them all; depends upon what each witness says, I cannot say.

By Sir *J. Newport*.—What do you suppose to have been the reason that the grand jury did not go up to the grand jury?—I should suppose it arose from a feeling in the court that the grand jury had had time to dispose of the business.

What was the length of time that the grand jury occupied, from the time that the

till you went up by the desire of the court?—Three hours.

Were there not 27 witnesses?—No; there were not so many sworn the first day.

How many were sworn the first day?—I think not more than twelve. A great number were sworn the second day.

What answer did you get from the grand jury when you went?—That they had not disposed of them.

Did you report that to the court?—Oh, certainly.

Did the court make any observation?—I declare I am not aware of any.

Who were the judges?—Judge Moore and Judge Burton.

At what hour was it that you made your report?—I returned immediately; I think about five o'clock; the court then adjourned.

By Mr. *Brougham*.—Were you in your present office in the year 1811?—I was.

Did you know of a bill or bills having been preferred before the grand jury, by sir Edward Littlehales, on a charge of bribery?—There were two bills preferred at his suit.

Do you know what became of those bills?—They were ignored.

Do you know of any further proceedings that were had upon these charges?—I have seen an attested copy of an *ex officio* information, filed by the then king's attorney-general upon the same charges by Mr. Saurin, immediately after these bills were ignored, the following term.

Were any proceedings had upon that information?—It appears that there was judgment against the defendant for want of a plea.

Judgment went against him on the *ex officio* information after the bill had been ignored?—Yes.

In the courts of Dublin are there not two kinds of grand juries; term grand juries, and commission grand juries?—There are; and in Dublin a third, namely, the sessions.

But in no other part of Ireland are there three?—None that I know of.

The term, the commission, and the sessions, are peculiar to Dublin?—Just so.

In other counties of Ireland, there are the term and the commission?—There are the assizes and the quarter sessions.

Will you state what the sort of bills are that are preferred before the commission grand juries?—All felonies, all crimes in short within the city of Dublin that are preferred to any grand jury, except what are tried at the quarter sessions; in short, they appear to me to do the criminal assizes part.

Felonies and misdemeanors?—Yes; all the money transactions are taken from them.

But the commission grand juries deal with the charges of felony and misdemeanor?—Yes.

What do the session grand jury deal with?—They dispose of minor offences.

Minor criminal charges?—Yes, precisely; namely, assaults and petty larcenies, and other misdemeanors in short.

But matters of a criminal description?—Yes; matters of a criminal description; they also I understand, present some money to their officers, and for certain local purposes; that is the session grand jury.

So that the sessions grand jury not only deal with petty offences of a criminal nature, but also with presentments respecting money to their officers?—So I have understood.

What do the term grand juries deal with?—The term grand jury present all money, with reference to Dublin, that is usually presented at the assizes.

I do not understand this: it is all Irish. Will you explain what you mean by the grand jury presenting money; what they do?—They present money to be raised off the city of Dublin for all public purposes.

To be raised on whom?—On the citizens.

In what way is it raised upon them?—Under those presentments.

Are they assessed according to their property?—The assessment takes place, I believe, with reference to ministers money, as it is called. [a laugh.]

We are getting deeper and deeper into ignorance. For what purposes is the money raised, which the term grand juries present?—A variety of purposes.

Will you name one or two?—For the gaols; all public works.

Roads?—Yes.

And bridges?—All within the city of Dublin; in short, it is a grand jury cess, as it is called.

Lighting and paving?—No.

Salaries to officers?—[The witness was directed to withdraw.]

Mr. *Dawson* rose to order. He said that they had before them the case of the conduct of juries upon criminal matters. The learned member was going into an examination with respect to their conduct as to civil concerns—a course which he submitted was irregular.

Mr. *Brougham* said, he had had his misgivings that there was something in the state of Ireland, and in every thing connected with the administration of justice in that country, which would make it a very ticklish thing to ask a single question about it during the inquiry in which the House was engaged. He was not, therefore, much surprised at the interruption which had just been made. The hon. member who had made the objection would only allow the House a farthing candle glimmering before their eyes, instead of a torch, to light them through what he foresaw would be neither a short nor a simple examination. Now that the House had, God be thanked, for the first time, entered into an investigation of the gross and flagrant abuse of the administration of

justice in Ireland, it was absolutely and indispensably necessary that every circumstance that could throw light on that investigation should be brought forward. It was impossible that the House could proceed one step, unless they knew what they were really about, and when he, for the first time, had heard of commission and of session grand juries, and a variety of other names wholly new to English members, what was more natural than to ask for distinct explanations, in order to enable them to put further questions? With that view he had put a question to the witness. How far corruption might have lurked in the answer, he could not say, because the answer had not been given.

Sir G. Hill defended Mr. Dawson, from the sarcasms of Mr. Brougham, and said that he was most anxious for the fullest scope of inquiry.

Mr. Brougham complimented the hon. baronet on his candour and manliness in declaring for an open and fair inquiry. He denied having dealt out any sarcasms. He had no cause for doing so.

[The witness was again called in.]

By Mr. Brougham.—You say the term grand juries present money, that is to say, order money to be levied for bridges, roads, and other public works; do they order money to be levied for any other expenses?—The gaols, penitentiaries, all those public buildings; in short, all monies presented off the city of Dublin, that is not presented by the sessions grand jury, is presented by them; all public expenses.

Do the term grand jury and the sessions grand jury, taken together, levy money for the payment of the salaries of different officers?—They do.

What sort of officers?—Clerks of the crown.

Any other officers?—Clerks of the peace; they are called the town clerks in Dublin; for them a very considerable levy takes place, for a great deal of business is done in the Sheriff's court; all gaolers and keepers of prisons, sheriff's fees; all demands of that sort.

Any other officers?—There are other minor officers belonging to the court, the officers of the court of King's-bench, and the officers of the Commission court.

All those they levy the money for?—They do.

Are those, or any of those, officers appointed by the corporation of Dublin?—The town clerk is of their appointment, I apprehend.

The gaoler?—Yes, and the gaoler.

Any of the others?—The sub-sheriff.

Do any other officers appointed by the corporation receive salaries levied by the grand

jury?—I cannot charge my memory with any other officers; their pay is very considerable.

Do you recollect any other which monies are levied by the grand jury, besides those you have just mentioned?—I cannot charge my memory with any more.

The expenses of the prison, and providing for the convicts?—I have mentioned the gaol and the penitentiaries.

Who gives the contracts for the bread and milk, those?—The grand jury appoint. The expense of bread and milk, matters for the gaol, is very considerable.

Who give the contracts for the expenses of the grand jury?

By open bidding?—I do not know.

You do not understand that word?—I do not understand it perfectly.

Open bidding is when an advertisement is made, and any person tenders, and the person who offers on the conditions is accepted. You do not know whether it is by open bidding or by close contract?—I do not know.

Who are the present sheriffs?—The elect, are Mr. Arthur Perrin and Mr. Lampray.

Mr. Sheriff Thorpe and Mr. S. are in office at present?—Yes.

When were the sheriffs elect elected?—Within this month. They come into office in September.

Do you happen to know whether the grand jury which ignored the petition against Handwich and Graham?—Both of them.

Do you know any thing respecting the tails for the expenses that are submitted for consideration of the grand juries in Dublin?—I am not acquainted with the details; I have looked over the accounts as they have been printed.

Respecting contracts, have you any objection that there is a public competition for the prisons with bread, and meat, and so on?—I declare I do not know. It may be so, but I am not aware of it.

Are you aware, that any person is allowed to traverse the payment of the grand jury?—I am not aware of it. It is not able by law to traverse any public kind that he thinks unfair. I apprehend that all presentments are traversable.

By Mr. Dawson.—Do not you think, from your knowledge of the citizens, that if any unfair presentment was made to the grand jury of the city of Dublin, it would be instantly traversed?—I hope it would.

If any improper practices are going on in the levying of money upon the citizens of Dublin, do not you think that the grand jury are more to blame than the grand jury themselves?—Very likely; I may be so, but I would not come to that. [The witness was directed to wit-



Mr. *Goulburn* suggested whether it would not be for the convenience of the House, if the inquiry was to be entered upon to which the question of the hon. member would lead, to examine some witness who was well informed on the subject, which the present witness had acknowledged he was not.

Mr. *Grattan* thought it was impossible that the witness could answer the question.

Mr. *S. Rice* approved of the course of examination which had been proceeded in by Mr. *Brougham*.

Mr. *Wynn* asked whether it was proper that the House should examine a witness as to inferences? The witnesses ought to be called upon to state facts, and members might then make their own inferences.

Mr. *Brougham* imagined, from the question which had been proposed by the hon. member, that his questions must have been misunderstood. He had never charged the jury with malversation.

Colonel *Barry* thought the House ought to dispose of the case of the high sheriff in the first instance. He would then support an inquiry into the mode in which grand juries were constituted in Ireland.

Sir *J. Newport* thought it was impossible to disconnect the case of the high sheriff from the question of the constitution of grand juries.

Mr. *Dawson* said, he had only endeavoured to follow up the line of examination marked out by the learned gentleman. The learned gentleman had talked of the flagrant abuse of the administration of justice in Ireland. He (Mr. D.) wished to show that the people of that country, if they were improperly treated, had the means of redress in their own hands. He would not, however, press the question.

[The witness was again called in.]

By Mr. *Dawson*.—Has not any person in Dublin, or in any county of Ireland, who pays the grand jury cess, a right to traverse, if he thinks any presentment unjust and unfair?—I always understood so.

As clerk of the crown, you can, perhaps, give a more decisive answer than, that you always understood so?—In the counties on the home circuit, I know the fact; with respect to Dublin, I believe it to be so.

By Mr. *Brougham*.—Would the person traverse the presentment at his own expense, or the charge of the county?—At his own expense.

By Sir *G. Hill*.—You have referred to the ex-officio information which was tried in 1811; when was your recollection first called to the filing of that information?—This day.

Has it not been called to your recollection before this day?—No, it has not.

You have referred to documents this day, which prove a perfect accuracy of knowledge of the period, and the particulars, and the result of that ex-officio information, so filed in 1811?—I have.

Will you explain to the House, how you happened to be in possession of those peculiar documents?—With respect to the indictments, I was informed by letter from the clerk of the crown, under whom I hold a deputation, that he was applied to, for copies of indictments; they were in the commission court, of which I am an officer; they came over; he informed me that they were transmitted to London, and that he had examined them, that they were correct, and he called upon me to countersign them; I examined them, I compared them with an attested copy of the ex-officio information, of which attestation I know the officer and the signature, and upon that comparison I ascertain the fact.

You have not stated from what date those indictments were sent from Ireland to you?—I have the letter in my pocket; it is dated "Tuesday, 29th April."

Of what period were those indictments?—Of October, 1811.

Did the present crown solicitor in Ireland act in that capacity in October, 1811?—The crown solicitors at that time were Messrs. Thomas and William Kemmis, of which the elder of that firm is dead.

Mr. William Kemmis is the present crown solicitor?—He is.

By Sir *J. Mackintosh*.—Did he act as such, in conjunction with his father, in October, 1811?—I apprehend he did; he was young, however, and probably the greater part of the business was transacted by his father.

Have you an equal knowledge with him of those records in the office?—I have no knowledge of the ex-officio information that did not remain in my care; I have knowledge of the indictments in my court; but of the ex-officio information I have none.

By Mr. *Bennet*.—You have stated, that you have recently seen an attested copy of an ex-officio information in the case of sir E. Littlehales; where did you see that copy?—This morning, in the office or study of Mr. Blake.

Who is Mr. Blake?—A gentleman at the bar, I believe.

Was that sent to you, or was it sent to Mr. Blake to be given to you?—I apprehend it was sent to Mr. Blake; it was shown to me there.

Was it sent to Mr. Blake, or was it sent to the attorney-general?—I do not know; I did not see the envelope. The attested copy of the information was exhibited to me; I compared it with the indictment, and found the offence to be the same accurately; the same

transaction; and I saw that the information was attested by Mr. Bourne, whom I know to be the clerk of the crown in the Court of King's-bench, and with whose hand-writing I am perfectly familiar.

By Mr. *Phinkett*.—Were not the attested copies of the indictments, and the information produced by the attorney-general for Ireland, at Mr. Blake's?—I think they were.

By Mr. *Bennet*.—What do you mean by their being produced by the attorney-general to you; did the attorney-general give them to you, or did Mr. Blake give them to you? It was in the office or the study of Mr. Blake.

Was the attorney-general present?—I think it was the attorney-general presented them to me.

By Mr. *Brownlow*.—Have you been in communication with the attorney-general since you have been over, upon this subject?—I have been here but a short time, and he has had recourse to me, and has asked me questions.

You hold a public situation under the crown?—I cannot say that it is.

You are clerk of the crown?—I am only deputy.

By what tenure do you hold that situation?—I may be removed to-morrow; I have no certainty of the tenure under which I hold; the gentleman who holds the patent has it for his own life, and his son's; but, I believe, I may be removed at any moment.

By whom?—By the gentleman who has the patent, under whom I hold the deputation.

You are removeable at his pleasure?—I apprehend so.

You are not certain of the fact?—I have heard it stated by gentlemen of great eminence at the Irish bar.

By Mr. *W. Courtenay*.—You are convinced that is the case?—That is my conviction.

By Mr. *Brownlow*.—You state, that you think it was the attorney-general who gave you the attested copies of the informations that were filed in 1811; are you not quite certain that it was he who gave you the copy?—I am.

You stated, that you were shown the ex-officio information by the attorney-general; was that for the purpose of comparing it with the indictment?—It was; and I did compare it with the attorney-general.

Was that indictment in your possession?—I was informed of its arrival, but it came under cover, I believe from the post-office or the castle to come free; it did not come to me, but I was informed of its arrival by the letter in my pocket.

Were you the person to whose custody it ought to have come?—I do not think that was material.

Was it directed to you?—No.

To whom was it directed?—The letter was probably directed to the attorney-general; but in the same packet I received my letter.

By Mr. *Phinkett*.—The indictment did come into your possession at last?—It did.

And it was for the sole purpose of comparing

the ex-officio information with that the attorney-general showed. And of attesting it, which I have.

You know the hand-writing who has attested it?—Perfectly.

It was for the sole purpose that it was the hand-writing of of comparing it with the indictment shown to you by the attorney-general. Exactly.

The panels have been in your possession. They have been; I brought them in my trunk.

Have you had any other communication with the attorney-general, except the subject of this inquiry?—Not the least.

By Mr. *H. Gurney*.—Is it in your knowledge, that in consequence of the great interest taken in those trials at Dublin, almost the whole of the grand jury sworn and unsworn, did attend the trial?—I am able to answer the question: I only went down to a certain place more attended, or not, I really do not know.

Is it in your knowledge, that the jurymen of Dublin have, or have not, a precedence on those occasions?—I think they have, because on the grand jury, in now no instances, I find that upon grand juries, there were none; on some, one; on some, two; on some, three; in a panel amounting to twelve and seven, of which a hundred were called, there were but two sworn on the grand jury.

Was it usual that those who were sworn of Dublin, stood at the head of the jury?—I believe that is a matter intended to make an inquiry; I have no count of the order in which called. [The witness was directed to answer.]

The chairman was directed to stand up and ask leave to sit again. The witness resumed. The chairman resumed. The chairman resumed and obtained leave to sit again.

**QUAKERS AFFIRMATION**  
John Williams moved for leave to introduce a bill "to render the Quakers admissible in Criminal Courts."

Mr. *H. Gurney* said, he was warranted in stating, that the bill proposed to be brought forward by the learned gentleman was desired by the members of the House who were perfectly satisfied with it as it stood.

Leave was given to bring the bill in.

HOUSE OF COMMONS

Monday, May 5, 1829

REFORM OF PARLIAMENT

tion from Edinburgh.] Mr. *Abercromby* rose to present a petition from 7,000 householders of Edinburgh. The petitioners laid most respectfully the peculiar state of the representation of their great city before the House. They offered no opinion on the great question of parliamentary reform, but confined their statement and their prayer to their own peculiar situation, asking that relief which the justice of the case should point out to the wisdom of the legislature. The number of the inhabitants of the city of Edinburgh exceeded 100,000. Since the union of the two kingdoms, Edinburgh possessed the privilege of nominally electing a representative in parliament: but who were the real electors? Thirty-three individuals sent to that House, the representative, as he was called of the city of Edinburgh; and even out of those thirty-three, nineteen elected their successors. In that number the privilege granted to the city of Edinburgh positively and substantially existed. What was the amount of property possessed by the thirty-three electors, compared with the property of the population, who possessed no voice? The property of the thirty-three electors did not exceed 2,800*l.* while the property of the whole was rated at 400,000*l.* per annum. Thus, the far greater proportion of the property, the rank, the talent, the education and the morality of the population of Edinburgh was excluded from any share in the election of its representative. They had no more share in returning to that House the right hon. gentleman opposite (Mr. *W. Dundas*), who sat there as their representative, than they had in the election of the member for Corfe Castle. The inhabitants of Edinburgh did not even know the day of election. The business was done in a close dismal room, and terminated in a snug and select dinner party. It was charged against the reformers, that they were disposed to theories, but against the prayer of the petitioners no such objection could lie. They complained of a practical grievance, and prayed for a practicable remedy. The right hon. gentleman opposite (Mr. *Canning*) had opposed any form of the representation, because of its variety and capability of representing all sorts of interests. This could not apply to Edinburgh, for there was no case analogous to it in the English representation. The state of the representation in Scotland, was uniformly

bad. There was no such thing as a popular election in that country, nor did its inhabitants enjoy any constitutional means of assembling to make known their feelings and opinions upon political subjects. He promised to move for leave to bring in a bill early next session, to alter the mode of electing the member to serve the city of Edinburgh.

Mr. *W. Dundas* said, it had always been the wise custom of the House to strike at the root of abuses, when they were once exposed; but, in this case, no abuse was alleged to exist by the petitioners themselves. They, nevertheless, asked the House to do that which could not be done without the greatest injustice; they asked the House to infringe upon the chartered rights of the electors of Edinburgh—rights which, by the most solemn compact had been secured to them. He was satisfied that the House would not depart from their usual custom in this instance, nor proceed upon the allegations of a petition signed by persons who, though he did not know them, in point of numbers bore no proportion to the inhabitants of Edinburgh.

Mr. *Kennedy* was rejoiced to see this petition before the House, not only because, coming from so important a place as Edinburgh, it must command considerable attention, but because it would bring to the test the sincerity of those persons who said they would favour reform upon a special case being shown. The statement of his hon. friend had fully made out such a case: the result of his intended motion would prove the sincerity of the friends of reform. The right hon. gentleman had opposed the petition, and in doing so he had acted with perfect consistency: this was the petition of 7,000 of the inhabitants of Edinburgh—he was the representative of only 33 of them. Many persons in Edinburgh had refrained from signing the petition, from the ill-success of their previous attempts for a reform of the burghs.

Mr. *Calcraft* said, he believed the House were never before aware of the real state of the representation of the city of Edinburgh. It appeared that in a population of above 100,000 persons, the right hon. gentleman opposite was the representative of only 33, which number was in fact reduced to 14, by the circumstance of 19 electing their successors. The right hon. gentleman had lately finished his political career in a manner

worthy of his whole course, by accepting a sinecure of 2,000*l.* a year. It was a melancholy view of the representation of this country. The speech which the right hon. gentleman had made, was in the true spirit of the representative of 33 constituents. It was concise and singular, inasmuch as it communicated the right hon. gentleman's ignorance of 7,000 inhabitants of the city he represented. He hoped his learned friend's appeal would not be disregarded; and that whatever gentlemen might think of the question of reform in general, the present was a case which they would deem worthy of support. He hoped, therefore, that his learned friend would bring in his bill; and that it would meet with considerable support. He even flattered himself that it would not be opposed by that great champion of the enemies of parliamentary reform, who, he believed, had been kept from assuming the government of India, that he might exert his eloquence in defence of the present state of the representation at home.

Lord *Binning* was at a loss to understand with what grace a sarcasm upon close representation could proceed from the hon. member for Wareham. After all he had heard of the meeting at Edinburgh, of the stage effect (for it was held in the theatre), of the exertions used, &c. he was astonished that out of a population of above 140,000, it was signed by only 7,000 persons. Every one who knew the facility with which all manner of men, women, and children, were got to sign petitions in large towns, and more particularly those who knew the extraordinary efforts which had been used to procure signatures to the petition before the House, must be surprised that they were not more numerous. Those persons who professed themselves friends to partial reform, had been called upon to support this petition. It was not in answer to that call that he rose; for he was no friend to partial, or temperate, or moderate, or any other kind of reform: but he thought this was not the case even for those gentlemen to support. No case had been made out which possessed peculiar claims. The case of Glasgow, for example, was much stronger. He considered this as an attempt to introduce parliamentary reform by piece-meal, and he trusted the House would resist it.

Mr. *J. P. Grant* said, that to what had just been dropped by the noble lord, coming as it did from a professed enemy to

VOL. IX.

all kinds of reform, it was not tion to offer any argument; but who had said they were ready to the cause of reform where a was made out, he put it whether be stronger than the one submitted hon. friend. To the objection object of the petitioners was to on the articles of the Union, that they sought not to deprive electors of their rights, but similar rights to others equally them.

Sir *R. Fergusson* said, that as the petition from being signed by or children, that of the 7,000 there was not one of any person not reside in a house of 5*l.* value.

Mr. *Hume* believed that there more than 10,168 houses in Edinburgh more than 5*l.* a year each in value, in one-fourth of that number as inhabited by females, it would appear petition was signed by within the male inhabitants of Edinburgh resided in houses of above the 5*l.* a year. In his opinion, a street could not exist.

Mr. *H. Drummond* denied the petition expressed the sense of the petition of Edinburgh. If there was strong feeling on the subject, have been signed by 40,000 persons. Ordered to lie on the table.

SHERIFF OF DUBLIN—[INQUIRY INTO HIS CONDUCT.] The House has resolved itself into a committee of the whole House, sir Robert Hervey in the chair,

Mr. *Benjamin Riky* was called in, and examined

By the *Chairman*.—Have you any present to the committee?—I have. I have delivered in "A Table of panels of grand jurors returned by the city of Dublin, &c."]

By Col. *Barry*.—In your testimony of the former evening, you stated, that the jury took the best part of two days of the bills of indictment?—They were two o'clock until five on Wednesday about ten on Thursday, until towards

Do you know what became of the bill between the two days?—The bill was delivered to me.

Were they returned to the grand jury the second day, in the same state that they were the first day?—Not exactly.

What difference was made in the

D

had been an error in the indictment, which I discovered, and pointed out to the counsel for the crown in the morning, and that error was corrected.

The bill of indictment was altered?—It was. Who altered it?—The crown solicitor.

Do you conceive that any person has a right to alter a record of the court; have you ever known an instance of a bill of indictment being altered while under the consideration of the grand jury?—I have.

State the instance?—Frequently at the suggestion of the grand jury themselves.

With or without the leave of the court?—Without the leave of the court.

Did you ever know it at the suggestion of a prosecutor?—In some degree it is at the suggestion of the prosecutor, for he is under examination in the grand jury room, and if it appear that a matter of fact is erroneously stated in the indictment, it is returned to the officer to correct it: the clerk of the crown, if it is a government prosecution.

Was this alteration by the desire or with the cognizance of the grand jury?—The alteration took place at my own suggestion.

Was it at the desire or the suggestion of the grand jury, that the alteration was made?—It was not.

At whose suggestion or desire was it made?—I believe at mine.

You mentioned that it was by the counsel of the crown?—I discovered the error in the course of the evening, when I came to enter the indictments, that is, to form an abstract for the judges, and the next morning I suggested that the indictment contained that error to, I think, the solicitor-general.

What was the error?—The error was merely this: the offence took place on the 14th Dec.; the indictment stated that it was in the fourth year of the king's reign; I knew that it was in the third; and I suggested the alteration from the fourth to the third.

Did you hold yourself authorized to make that alteration without the leave of the court?—I did not make it.

Who did make it?—I made the suggestion to the solicitor-general; Mr. Townsend was also in court; he was disposed to think the indictment was right; however, on examination, the indictment was found to be wrong, and it was amended by the crown solicitor.

With his own hand?—He took the indictment into the chamber; I suppose he did not wish to be seen doing any act with respect to it in the court; he took it into the chamber, and it was there done.

Why do you think he did not wish to be seen doing any act with respect to it in open court?—The court was very crowded.

Why should he not wish to be seen doing any act with respect to it in open court?—I declare I do not know; it was an awkward place to engross or do any thing to an indictment there.

Why should he be ashamed?—I do not know that he was ashamed.

Why should he wish not to do it in open court?—I declare I do not know; I state the fact; he withdrew to the chamber, which was just in the rear of the court, it occurred in twelve or fourteen places, the fourth year of the king's reign.

If that bill of indictment had been found by the jury in the state in which it was originally presented, could the persons, if found guilty, ever have been brought up for judgment?—I think it ought to have been quashed.

It was the crown solicitor that made the alteration in it?—Yes, from the fourth to the third; I believe so; it was to him I gave it, and he withdrew with it.

Were there any other alterations made but that in it?—None that I know of.

The alteration was a mere matter of form, and not of substance?—Exactly so; the bill of indictment was not acted upon by the grand jury at that time.

There was no indorsement upon the indictment by the grand jury before the alteration was made?—None.

That indictment might have been withdrawn, and another more accurately drawn presented?—Exactly so.

By Mr. *Scarlett*.—The alteration was not made before the indictment went up before the grand jury?—The indictment went up on the Wednesday; a number of witnesses were examined; and it was returned in the evening.

Returned found?—No, nothing was done upon it.

It was before the indictment was found that the alteration was made?—Yes, certainly; I could not have suffered an alteration to be made in the indictment after the grand jury had acted upon it.

By Sir *J. Stewart*.—How many persons were in this indictment?—I believe there were ten.

Was there any interlineation of a name after that indictment had gone up to the grand jury?—None that I know of.

Was there any interlineation at all in it?—I believe there are interlineations in the indictment.

Of names?—Of names.

That indictment charged certain persons with a riot and a conspiracy?—It did; there were two bills.

How did those persons appear to you, from the gaoler's calendar, committed; under what charges?—Their cases were distinguished upon the calendar.

How many were committed under a charge of conspiracy to murder?—I believe three. James Forbes was one; one of the Handwiches was the second; one of the Grahams was the third. There were two Handwiches and two Grahams.

Perhaps you can state the person they were charged with a conspiracy to murder?—Perfectly: His excellency the Lord Lieutenant.

They had lain in gaol under this charge a considerable time?—For some days.

Without bail?—Three of them appeared in



custody of the prisoner's conduct returned to me.

You probably recollect the time that those persons were committed; and it was a very serious and very awful business at all Dublin? [The witness was directed to withdraw.]

Mr. Goulburn said, they were enabled to inquire into the conduct of the sheriff of Dublin, and he could not see how such a question was at all referable to his conduct. The inquiry would be interminable, if they did not adhere to that which was alone the subject of inquiry.

Sir J. Stewert defended the relevancy of the question he had put, and denied that the examination could be narrowed in the way recommended by his hon. friend.

The Chairman thought it was entirely impossible to lay down any strict line as to the nature of the questions that should or should not be put. A question which did not at first appear relevant, might lead to very important inferences.

Mr. J. W. Williams argued, that a parliamentary inquiry demanded a greater latitude than an inquiry in a court of justice.

Colonel Barry contended, that they would do nothing if they confined the inquiry to the conduct of the sheriff. He had put questions which did not go to that point, but which he could not consider as irrelevant. One learned member (Mr. Brougham) had declared his intention to conduct the committee into an inquiry with respect to the whole state of the administration of justice in Ireland. With such a declaration as this before them, how could an extended examination be avoided?

Mr. J. Graham observed, that if they were to go into an inquiry into the conduct of the guild of merchants, and of the Lord-Lieutenant of Ireland, the investigation would be without end.

The Chairman strongly recommended that hon. members would, in their questions, as far as possible, limit their inquiry to matters of strict fact.

Sir J. Mackintosh wished the recommendation, as far as practicable, to be adopted. Still he thought that acts of the grand jury might eventually affect and involve the conduct of the sheriff.

[The witness was again called in.]

By Sir J. Stewert.—Do you recollect an address from the lord mayor and a body of the

respective corporations of the

Have you any recollection of what subject the petition was calling that meeting?—I

Do you recollect being asked about a Mr. Moore, who was

Was not he one of those petitioners, and one of the I know: there were a great

Do you know whether he was, and if so, how early, question?—I cannot exactly

Do you know Mr. Dublin?—I do.

He was the solicitor for Mr. the persons indicted.—He was

Is that the gentleman who was of the sheriff, as he could—That is the gentleman.

For Name.—Do you

in the examination of

Is it considered as a public contract, and is he put upon grand jury?—I don't think it a favour to be of it.

Do you know, whether he is in the sheriff's return as of signed one, for the grand jury panel.

Do you mean that the panel has the signature, or that it is without signature, and after court?—Signed in the first instance.

Were you present at the grand jury was returned?—Yes, in the panel.

Were you at court at the time it is the proper officer, and is it the proper

Do you recollect any objection being considered the number as to the propriety of including any small number?—I do not

According to the practice of grand jury panel is signed by any in added to it?—I think a number of the panel is returned frequently again to it.

With reference to the court the jury is returned, is that returned panel?—I most usually is.

After it is signed, can any person be returned?—I have known persons to take the name of another that he might have collected it.

By Colonel *Barry*.—Were you by at the time the petit jury were called before the court?—I was in the court of King's-bench when the jury were called over to try the ex-officio information.

Do you recollect any observation being made by the court at that time, as to the smallness of the panel returned?—I cannot distinctly bring it to my recollection.

Any thing said as to the number of traversers?—At some period or other I remember the observation falling from the court, but when, distinctly, I cannot bring to my recollection,

What was that observation?—It was with reference to the small number of jurors returned.

Was it stating that they were too small?—Yes, with reference to the smallness of the number.

Finding fault with the smallness of the number?—That was the impression that it made upon me.

Was not that at a subsequent commission?—It was not at a commission at all.

It was not at the commission where this grand jury was impanelled?—It was at the trial of the ex-officio information.

It had nothing to do with the grand jury with reference to which you have been examined?—No.

Who was the presiding sheriff to that commission?—It was a trial at bar, in the court of King's-bench; the same sheriff who returned the grand jury.

If the panel had been double the number that it was, would it have made any alteration in the persons who were sworn on the grand jury at the commission?—of course those that followed afterwards, would not have been called when the first six-and-twenty of the grand jury appeared.

By Mr. *Brownlow*.—Do you know how many of the January grand panel are to be found upon the preceding panel in October?—I think sixteen.

You stated that you were in the court of King's-bench when the jury were impanelled to try the ex-officio information?—When the jury were called over; I was brought there as a witness.

Did his majesty's attorney general challenge a great number upon that panel?—There were a number set by on the part of the crown.

Do not you believe that 29 were the number?—There were a good many, but I cannot speak to the number.

Do you know who was the foreman of that jury?—I do not recollect.

Do you think Mr. Francis Mills was the foreman?—I believe he was.

Was Mr. Francis Mills upon the commission grand jury panel in January?—I do not know.

Will you have the goodness to see, whether Mr. Francis Mills was upon that panel?—

[The witness referred to the panel] I find that he is.

Then the foreman of the jury, to try the ex-officio informations, was one of the grand panel of January 1823?—He was.

Do you not recollect, that many were called before his name was called?—I do not.

You were understood to say you were there; but you do not recollect that circumstance?—I do not.

Do you know whether Thomas Fry was on both juries?—[The witness referred to the panel] I find that he is.

Do you know whether Mr. Moore is not brother-in-law to the provost of Trinity college in Dublin?—I do not know.

Do you know Mr. Moore, the solicitor, in Dublin; a neighbour of yours?—Yes, perfectly well.

Do you not know that he is brother to the gentleman on the panel?—I really do not know, but I always understood he was a most respectable gentleman.

By Sir N. *Colthurst*.—Do you recollect any of the Bank directors of Dublin having been challenged by the Crown on the petit jury?—I cannot bring to my recollection any such circumstance.

Then, in point of fact, the law officer of the crown felt it incumbent upon him to object to a greater number upon this panel than on usual occasions?—Yes, it appeared so.

By Mr. *J. Williams*.—What number did Mr. Mills appear upon the commission grand jury panel?—No. 29.

What was Mr. Fry's number upon that panel?—No. 37.

Do you recollect the number specified in the precept?—The precept, I think, mentions twenty-four.

Do you know, whether the two jurors who served upon the *ex officio* information, and who had been upon the grand jury panel, had been among the number of those who were or were not sworn?—The Two persons, Mills and Fry, were not sworn on the grand jury; they were merely on the panel.

Within these few years, has it not been usual to call Roman Catholics on grand juries?—I have known it occur frequently, latterly.

You act as clerk of the Crown in a great many counties, and in a great many of those counties do you not recollect Roman Catholics being called upon the grand panel promiscuously with others?—I have; and sworn.

Were you present when the result of the trial of the ex-officio information was announced in the court, by the withdrawal of a juror?—I was not.

You have no knowledge of any ulterior proceedings being intimated by any person, to be taken after the result of a juror being withdrawn?—I have not.

Mr. *Terence O'Reilly* called in and examined

By Mr. *J. Williams*.—What is your situation?—An attorney, in Dublin.

Where have you resided carrying on that profession?—In the city of Dublin.

Were you residing in Dublin at the time that the commission jury was sworn in January last?—I was.

Do you remember when the bills went before the grand jury?—Perfectly.

Were you in the court, or in the neighbourhood of the court at that time, when the bills were before the jury?—Alternately in the court and in the neighbourhood of the court during the first and second days of the commission.

On either of those days did you see Mr. sheriff Thorpe?—Frequently.

Were you present when it was announced that the bills were ignored?—I was.

To whom was that announced?—In the office of the clerk of the crown, Mr. Allen and Green's office in Green-street; in an office adjoining the court-house, in the same building with the court-house in Green-street, Dublin.

Were you in that office at that time?—I was.

Were any other persons there?—There were.

Can you name any of them?—It was an office of public intercourse, and a great number of persons occasionally go in, and retire; at that particular instant I do not recollect that there were many persons; the conversation alluded to, was directed chiefly to a gentleman of the name of Ward, a professional gentleman.

Was sheriff Thorpe in that office?—He was.

How near to the time of the news arriving of the bills being ignored?—From an hour to three quarters of an hour previous.

Did you hear Mr. Sheriff Thorpe make any observation to Mr. Ward, or to any other person, at the time you have now alluded to?—He came into the office where I was, and said, "There will be no bills found: have not I managed it well? and my business being done I have no further here."

How was he dressed at that time?—He had his appointments of sheriff, his cocked hat and sword. He took those off; the hat I am not quite positive about; he put on his surtout and immediately went away, as if to communicate the news elsewhere.

Did you hear him say any thing else?—No.

Do you know any other person who was present at the time, besides Mr. Ward?—There was Mr. Macnamara an attorney.

Did you mean to say that he had nothing further to do there?—Yes; at that place.

By Col. Barry.—How many persons were there in the room?—Sheriff Thorpe, myself, Mr. Macnamara, and Mr. Ward.

Do you suppose there were any others in the room?—I dare say there were, but as to the identity of them, I cannot speak to that.

Were there any clerks in the room?—I am quite sure there were not then; I was standing behind the counter, and there were but three there; and it is the usual place where clerks were, that I was.

Did Mr. Sheriff Thorpe tone of voice?—He did, in ner.

Did he speak it as loud as you now?—I rather think not.

But so that it could be heard by who was in the room?—Yes.

Had you any conversation about the probable finding of use not quite certain; Mr. Ward will you if I did.

Did you make any observation afterwards, respecting the declaration Sheriff Thorpe?—I am not quite I did.

Have you ever mentioned to you had a conversation with never.

When did you first mention this Mr. Sheriff Thorpe after you heard ever the subject came to be discussed?

When did it come to be discussed very often.

When did you first mention it recollect having mentioned it at a time so that I could state it exactly applied to as to giving evidence a fact, which I was not competent stated my incompetency to do it.

Who applied to you to give evidence that fact?—A Mr. Costelow, an attorney.

Was it a fact connected with this? It was certainly connected with respecting some juror, or sort.

To whom did you mention this To young Mr. Plunket, the son.

When?—On Monday or Tuesday.

Do you remember any particular whom you mentioned it previously last?—I do not.

Do you believe that you mentioned one in the interim?—I did to many.

You do not remember them?—

But you are clear you had no conversation with Mr. Ward upon the subject clear.

After Mr. Thorpe left the room? Thorpe left the room.

You did not mention it to him?

What induced you to communicate Costelow upon the subject?—I communicated willingly with Mr. Costelow stopped me in the hall of the court were in the habit of meeting each other asked me whether I recollected the circumstance which occurred at the commission.

What circumstance was that respect to a juror that wanted or wished to see the grand jury of January 1823; him I was quite ignorant on that could give no evidence whatever was most anxious not to give an opinion upon the subject, and that I would be obliged to him not to press any me; that I was circumstanced in a



it would be vital to my interests in a variety of ways to come forward.

Was that grand juror's name Poole?—It was.

When had you this conversation with Mr. Costelow?—The same day that I had the communication with the attorney-general's son. About Monday or Tuesday last.

By Mr. *Brownlow*.—Do you come here by order of this House?—I come here by order of the crown solicitor, who told me, with young Mr. Plunkett, there had been an order moved for; and in order to get a speedy return I came here in order to give my evidence, and get back to my professional pursuits and my family.

The order of this House never reached you?—It did not.

Then you are a volunteer?—I am, so far.

When did you leave Dublin?—On Friday morning.

Where have you been since your arrival in London?—In one of the hotels.

What hotel is it?—I do not recollect the name precisely.

Is it the Salopian?—That is the name of it.

Have you been talking with any one since you came to London, with reference to the evidence you are to give in this House?—I have.

Is it Mr. Blake?—That is the gentleman.

Were you with him to-day?—I was.

Who told you to go to Mr. Blake?—I called at the attorney-general's this morning, and told him that I had arrived; he was not aware that I had, I believe, until I did come. He felt obliged, he said, for my prompt attendance, and requested I would call on Mr. Blake; which I did.

What did he mean by your prompt attendance?—Coming, probably, without the order of this House.

And he begged you to go to Mr. Blake?—He did.

And you went to Mr. Blake accordingly?—I did.

What conversation had you with Mr. Blake?—I wrote down for him the evidence I could give.

Did he not ask you what you could give, as to such and such questions?—He did not.

What did he do with the written evidence you wrote down?—I do not know.

Did he talk to you at all upon the subject of the evidence you could give?—Yes, he did.

What did he say?—He asked me the evidence I could give; and I said, the shortest way will be, for me to write it down; and he said, it would; and I wrote it down.

And you had no further conversation with him?—No.

By Mr. *Brougham*.—You have not lived in Cotton-garden since you came here [a laugh]?—I do not recollect that I have.

Had you any particular acquaintance with young Mr. Plunkett?—No.

Or with Mr. Plunkett, his majesty's attorney-

general for Ireland?—I never spoke to him, but on professional business.

Have you any acquaintance with any member of this House?—I have the honour of knowing many of the members of this House; not intimately.

Are there any you know more than others?—I think I know Mister Ellis more than others.

By Mr. *J. Williams*.—You have stated, that Mr. Sheriff Thorpe, and Mr. Ward, and yourself, were behind the desk at which the clerks of the office are usually placed, at the time this conversation took place?—Yes.

Did Mr. Sheriff Thorpe address this conversation to Mr. Ward, as to a person with whom he was intimate?—Yes, I conceived it so.

By Mr. *Scarlett*.—You have said you were unwilling to give any evidence, were you rightly understood?—Yes, perfectly so; for I was so circumstanced that nothing but a sense of duty would oblige me to do it; I come here at very great inconvenience to my private concerns.

By Mr. *Grattan*.—Do you mean to say, that you expressed to Mr. Costelow your disinclination to attend?—I did, and to Mr. Plunkett, too, and to every person who spoke to me upon the occasion.

By Mr. *Brownlow*.—Were you acquainted with Mr. Sheriff Thorpe's person at the time he came into the office?—I knew him as sheriff, but I never knew him until he was made sheriff.

You have said that Mr. Sheriff Thorpe said, the business had been very well managed; was there any allusion to the jury at that time?—I conceive that he alluded to the management of impanelling the jury, by the expressions that he used.

By Mr. *C. Calvert*.—You were understood to say, that the words he used were, "there will be no bills found?"—Those were the words.

And he said that in a loud tone?—Yes.

By a *Member*.—And you had no previous knowledge of him, except in his capacity of sheriff?—Yes, I knew his person as sheriff.

How came it that you never mentioned it to any person until you mentioned it to Mr. Plunkett, jun.?—I have mentioned it frequently; but the particular persons I am not prepared to name.

You have not named any person except Mr. Plunkett, jun., to whom you have mentioned it?—There were a great number of persons present besides those: Mr. Macnamara and Mr. Ward, those can vouch for it.

You cannot name any other individual to whom you mentioned it, except to young Mr. Plunkett?—No.

By Sir *J. Mackintosh*.—Did you state Mr. Sheriff Thorpe to have used those words in an exulting tone, and in a voice loud enough to be heard by you?—He did.

Are you rightly understood in having begun to say, that you probably had conversed, since the occurrence of that interview, with Mr. Macnamara, the other gentleman present?—That is precisely my evidence.

Did you hear the whole of the conversation that passed between the sheriff and Mr. Ward?—I am not quite sure; they seemed to be very intimate, and I would not estimate myself any thing more than that which was said so loud.

Are you sure there was nothing said previously to that you have repeated?—Certainly not.

By a Member.—You say that the sheriff left the room as if to communicate the news; what news do you mean?—The news of the bills being thrown out, against the rioters.

Did you not say that this conversation passed three quarters of an hour before the bills were thrown out?—I do.

How do you reconcile it, that the sheriff should leave the office to carry the news of the bills being thrown out, three quarters of an hour before they had been thrown out?—To communicate to his friends in the city, that the bills had been, or would be, thrown out.

Do you know whether Mr. Sheriff Thorpe had been previously in the grand jury room?—I do not.

Were you in court when the bills were returned?—I was not; but I was so near that I knew it immediately: I was in the office that just the hall divided.

How long was that after Mr. Sheriff Thorpe came into the office?—About three quarters of an hour.

Will you take upon you to say it was not three o'clock when Mr. Sheriff Thorpe came into the office?—I do not think it was.

Do you know whether Mr. Sheriff Thorpe had been in the habit of employing Mr. Ward as his attorney?—I know nothing about it.

By Mr. Brown.—After you first heard it, and between that time and the time of communicating it to Mr. Plunket, had you not made many persons, or some persons, acquainted with the information you possessed?—I do not know any person that I communicated it to; but Mr. Macnamara, being present, was aware of my knowledge of the transaction.

You have already stated, that you had communicated it to many persons?—I did.

You now tell us you never communicated it to any person?—I say, I do not know any person that I can name at this instant, that I communicated it to.

By Mr. Deane.—Did any person come from the grand jury room to Mr. Sheriff Thorpe, about that period?—Not that I saw.

Was there any thing from which you could infer, that Mr. Sheriff Thorpe had received any particular information with regard to the probability of the bills being thrown out?—Nothing but his coming into the room, and announcing this.

By Mr. J. Williams.—Was there any thing particular in the manner of Mr. Sheriff Thorpe when he came in?—He came in, in an exulting manner, and announced it at once; every body that was there might have heard it; I believe,

at the very instant, there were no more.

Mr. Dillon Macnamara called examined.

By Mr. Justice.—What is your name?—A solicitor and attorney.

Were you near the court at the time the common-law grand jury, in 1822, were sitting upon the bills that threw them?—I was.

Did you, upon that occasion, see Thorpe?—I did.

Where did you see him?—He was in court during the day, attending as sheriff.

Do you remember seeing him in the clerk of the peace's office, the court?—I did.

What time in the day might think it was between two and three cannot be precise as to the hour or there I should think.

Do you remember what were the words when you saw him there?—

Can you name any persons in court?—Mr. O'Reilly was present several persons in and out of court, all day; whether they were that precise period I cannot tell.

Do you remember Mr. Sheriff Thorpe the next, whilst you said he was there?—I do.

Did he make me of any conversation?—He did.

State what you recollect him to have said; he said various things in the bills, he mentioned the rioters; he said there were no more.

To whom did he address that?—I expressed it to some friend who Mr. O'Reilly mentioned in the court was, but I could not say that was the gentleman; I speak from my belief, I believe.

You believe it was whom?—

Did you hear any mention in any remark made by that gentleman?—He asked him, and the bills were the grand jury; he said no, but your mind perfectly clear is it not?

Was there any thing particular or manner, when he said that?—He was well pleased at it.

Did he stay in the office?—He went away almost immediately.

Do you remember how he was he came into the office, or whether his doors before he left it?—I am at the time as to his changing his

Was there any conversation immediately afterwards between persons, upon the subject?—The next conversation in the private that they anticipated the result inasmuch as there were persons who would not find out bills against

Was there any list of the grand jury in that office?—Yes.

Was that list looked at, at the time, to ascertain the names of the persons?—Yes.

Did you know the individuals whose names were on the grand jury?—Yes, some of them.

Can you take upon you to say whether the persons present specified a certain number of grand jurymen that they thought would not find the bills?—There was conversation in the office among the persons that were there, stating that there were persons of a certain—

Mention the word?—That there were fifteen Orangemen upon the grand jury; and other gentlemen said that there were seventeen.

This was a conversation resulting from what the sheriff had said in the outer office?—It was.

When did you first mention this conversation to any body afterwards?—I do not remember mentioning it till there was a summons from this House for some gentlemen to attend; there were some acquaintances of mine in the court-house of Dublin, talking of what they could be summoned for, and I mentioned, quite accidentally, what I have just now related, and I immediately got a summons to attend.

Do you know Mr. Costelow?—I do; it was Mr. Costelow I was mentioning it to.

By Colonel Barry.—Can you specify any other persons who were in the office at the time those conversations were supposed to take place?—I cannot, with certainty.

How many, do you suppose, were in the room at the time?—I really could not say, with accuracy; there were some of the clerks in the office, I should think; and some five or six other persons.

Where were the clerks standing or sitting?—I took no notice of that whatsoever.

Where were you standing when you heard the words?—I was standing outside the counter.

Who was inside the counter?—Mr. O'Reilly, I think, was inside the counter, speaking to a gentleman there; I should rather think it was Mr. Ward.

The conversation you have stated with respect to the gentlemen of the jury, was after the sheriff was gone out?—Yes.

In the same room?—No, in the adjoining room.

Do you recollect hearing from any quarter, or ascertaining before you went away, that the bills had been ignored?—In about an hour afterwards or something better, the bills were then publicly ignored.

What do you mean by that?—That every person in court knew it.

By Mr. Scarlett.—Were you in court when the grand jury came in with the bills?—I think I was, I certainly heard Mr. Plunkett make some observations, which makes me think I was in court at the time.

How long was that, after the conversation which you heard sheriff Thorpe have with a gentleman?—An hour or better.

Do you recollect what those observations

were that Mr. Plunkett made?—It was a kind of lecture, leaving them to their God, I believe.

By Mr. Brownlow.—Are you an Orangeman?—No, I am not.

Do you belong to any association in Ireland?—No; some seven or eight years ago I was a freemason; I have been a very bad member, for I have never attended these four years.

Do you know Mr. Mansfield?—I do; he is a clerk in the sheriff's office in the city of Dublin.

Do you recollect having had any conversation with Mr. Mansfield, in order that he might pack a jury for a client of your's?—I certainly do recollect some eight or nine years ago, when I was a very young man in the profession, that there was a person who was a clerk of mine; it was the only criminal case I was ever concerned in in my life; and my client, who was concerned in forging stamps, I believe was afterwards transported; his trial occupied twelve hours; I think he told me that if he could get some friends of his upon the jury, and gave me some friends, if I could prevail upon the sub-sheriff to get his friends upon the panel, he would remunerate the sub-sheriff handsomely. I think it my duty not to conceal any thing, I do not know what the consequences may be; I am perfectly independent of the profession, and I would not conceal any thing which had passed.

Did you communicate those names, with the offer of the bribe, to the sub-sheriff?—I do not think I communicated the names to Mr. Mansfield, but I communicated the substance of my message to him, that if he would put certain persons on the jury, whom my client would wish to be on it, he would be remunerated handsomely.

Do you recollect what Mr. Mansfield's answer to you upon that occasion was?—I think he said, that the jury was out of his power, as it was taken up by the crown; or, that the solicitor of the Stamp-office had ordered the panel to be returned to the castle, or something of that kind; and that he had not an opportunity, even if he wished.

Mr. Mansfield is summoned to the bar of this House?—I heard so this night.

Did not Mr. Mansfield indignantly reject the offer of a bribe?—He said what I have mentioned, that, even if he wished it, it was not in his power; for that the panel was ordered by the crown solicitor, or ordered by the castle; indeed, I think further than that, that the men that were summoned on the panel were not to compose the jury.

Did not he reject the bribe?—He did not get the bribe.

Why did not he get the bribe?—Because he did not do what I wanted.

Was your client tried?—He was: and was transported.

By Lord Milton.—Who was the crown's solicitor then?—Mr. Kemmis.

You said it was a crown prosecution?—It was a prosecution at the suit of the Stamp office.

Who conducted it?—The solicitor for the Stamp-office, Mr. Burrow.

Who were the counsel?—I believe Mr. Townsend was one of the counsel on the part of the crown.

Were the attorney or solicitor general employed in the case?—I cannot recollect.

How long ago is it since this case took place?—It was either in 1815 or 1816.

What was the name of your client?—Gallaghan.

You state, that you never thought of this transaction till it was brought to your notice, that you might be questioned upon it; what do you mean by that?—I met Mr. Mansfield, in the lobby of the house, about an hour since; and he told me, that he thought it was fair to mention it; that the party on the opposite side of the court, that he conceived I was summoned for, were aware of the fact; and that he thought it might be asked, that I might be prepared.

By Mr. *Hume*.—What do you mean by the panel having been ordered, in that case, by the crown or the castle?—I took the answer from the sub-sheriff or Mr. Mansfield, that it was not in his power, that the jury that he summoned were not the jury that would be sworn upon the trial of the case.

By a *Member*.—When Mr. Sheriff Thorpe stated, that the bills would be ignored, did he add, “have I not done my business cleverly,” or words to that effect?—He mentioned words to that effect, certainly; “have not I managed the matter well;” or words to that effect.

By Mr. *W. Williams*.—Did you deliver a statement in writing to Mr. Blake, of what had passed in the office from Mr. Sheriff Thorpe?—He begged of me to put down in writing what I could communicate, and I did so.

By Mr. *Goulburn*.—Were the words just stated by you, “have not I managed the matter well,” contained in your statement given to Mr. Blake?—I should think they were.

Have you any doubt of those words having passed?—As to the substance of them, none in the world.

By Mr. *W. Williams*.—To whom were those words addressed?—I cannot positively state; but Mr. O'Reilly having stated to me that they were addressed to Mr. Ward, I believe they were.

Were they addressed to a gentleman near Mr. O'Reilly?—Yes.

By Mr. *Denman*.—Had any thing occurred, within your observation, that should induce Mr. Sheriff Thorpe to suppose the bills would be thrown out?—Nothing that I know of.

Were you in court when the bills were all ignored?—The bills I believe were found against two.

The bills were ignored as to some, and found as to some?—Yes.

Do you remember having said, that Mr. Mansfield told you he had taken the panel to

the castle?—I remember that Mr. said, the thing was out of his power; he had the inclination.

Did he say the panel was taken to the castle?—Either the castle or the Stamp-office.

By Colonel *Barry*.—You and Mr. left Dublin together, travelled together, arrived here together, and have lived ever since you came; were not you agreed as to every word of evidence to give at this bar upon this subject?—We do not differ much in substance, we do not agree exactly; I am sure of a stronger recollection of the case than

And he refreshed your memory seemed to recollect it better than I did.

Did he not refresh your memory upon this subject?—No, I do not think he did.

He reminded you of some circumstance you had forgotten?—For instance, he reminded me that it was Mr. Ward the sheriff who was going to; which I would not certainly take myself to state who was the individual to whom Sheriff Thorpe addressed himself to.

These written statements that you did you prepare them at Mr. Blake's request, and send them in afterwards?—No; Mr. Blake asked us one or two words, and then he said, “Would you have the goodness to prepare in substance what evidence you could give to the House?”

Where did you do it?—In Mr. Blake's drawing-room.

Were you both together?—Mr. Blake wrote his statement, and I wrote mine.

Did you see his statement?—Yes, I did.

Before you made your own, or afterwards?—I made my own, and not agreeing in the words; for he mentioned that Sheriff Thorpe addressed himself to Mr. Ward, and I, not being sure of that, I wrote separately.

You stated, that this gentleman, who was supposed to be Mr. Ward, asked him a question, and that Sheriff Thorpe's was a question to that effect?—Yes.

Mr. *Peter Tomlinson* called in; and asked a question.

By Mr. *J. Williams*.—What is your occupation?—A bootmaker, in Black-rock, four miles of Dublin.

Were you in Dublin during the trials of the rioters?—I was, occasionally.

Do you know Daniel Smith?—I do; he is a cloth-merchant.

Do you remember going to him a time of these trials, about some business?—Perfectly, going to take orders for cloth. That was two or three days previous to the trials.

Do you remember your having to wait some time, in order to give the orders to Mr. Blake?—I remember waiting in the outside shop for the door.

While you were standing there, do you remember any body coming, to whom Mr. Blake spoke?—I recollect a person coming, and



Mr. Smith said, "Good morning, Mr. Sheriff. Well, these trials are to go on?" "Yes."

Who replied "yes?"—The man whom he addressed as sheriff, answered "yes." "Have you made out a list of the jury?" "No, I am just going to the office now to make it out." "How many will you impanel?" "I will pick about sixty that we can depend on; they may then challenge as many as they please; they shall have as good a petit jury as they had a grand jury."

Should you know that gentleman, Mr. Sheriff, by sight?—Certainly; though I never saw him before.

Look about you?—[The witness turned round and looked about him.] I do not see him.

Have you seen him since?—I have not.

Had you ever seen him before?—Never to my knowledge; and would not have known him then, but that Mr. Smith addressed him as sheriff.

You think you should know him again?—I have not the slightest doubt; I eyed him particularly.

By Mr. *Goulburn*.—Do you know which sheriff it was?—I went to the Session-house and saw the other, who I know it was not.

By Mr. *Denman*.—What was the name of the other?—Cooper.

Would you know that other sheriff, the one whom you saw whose name was Cooper?—I do not know that I would, I do not think I would.

By Mr. *Brownlow*.—When did this conversation take place?—Perhaps two or three days before the trials of the traversers that were so much talked of.

By Mr. *J. Williams*.—Did you hear that there were two trials of the play-house rioters?—I did; this was the second.

Mr. Sheriff Thorpe said, that he would give them a good jury of 60 for this second trial?—He said he would pack about 60 that we could depend upon; that they might then challenge as they pleased; that they should have as good a petit jury as they had a grand jury.

Was any one present at this, besides Mr. Daniel Smith and yourself?—One of his young men, a Mr. Peter Alma.

By Colonel *Barry*.—When did you mention that?—That very day.

To whom?—To several; to Mr. Charles Mageen, to Mrs. Hart.

Do you mean to say that it was Mr. Sheriff Thorpe who made use of this observation?—I do.

By a *Member*.—Were you summoned by this House to attend at the bar?—I was not.

You volunteered your services?—I did. To Mr. Hart an attorney in Dublin.

What did he say to you?—He asked me whether I was willing to go to London, and I told him I was.

Did you call upon his majesty's attorney-general for Ireland, after you came here?—I went to him the night I came into town, and

he desired me to go to Mr. Blake; and to Mr. Blake I told what I now tell. He bade me to state what I had to say, and I did so, exactly as I have done it now.

Mr. *John M'Connell* called in; and examined

By Mr. *Scarlett*.—What is your situation in Dublin?—A silk-manufacturer.

Do you know Mr. Sheriff Thorpe?—I do.

Do you recollect seeing him at any time in the house of a Mr. Sibthorpe?—I do.

Was that before or after the trials?—It was before the trials: on the Tuesday after the riot at the theatre.

Do you remember hearing any remark made by sheriff Thorpe there?—Yes; I heard him make use of remarkable expressions.

With whom was he speaking when he made use of those expressions?—Shortly before I heard him make use of a remarkable expression, he was in conversation with William Graham.

What was the remarkable expression to which you alluded?—"I have the Orange panel in my pocket."

Was that addressed to any individual in the room?—It did not appear to me to be addressed to any individual in the room; it was uttered in a low tone of voice.

Who was William Graham?—He was one of the traversers on the business.

Had you been in the room before the sheriff came in, or did you come in and find him there?—When I entered the room the sheriff was in it.

You found the sheriff sitting by Mr. Graham, in the room?—Yes.

Who is Mr. Sibthorpe?—He is a painter and glazier.

Do you know whether Mr. Sibthorpe is a friend of Mr. Thorpe's, the sheriff?—Yes.

You have said that the sheriff was in the room before you entered it?—Yes.

By Colonel *Barry*.—Was that expression that he made use of, said so that any body else but yourself could have heard it?—There were persons nearer to him than I was; I heard the expression distinctly.

Nobody had spoken to him previously upon the subject of the riot at the theatre, or the trial of the prisoners?—I did not hear that any person had spoken to him.

He bolted it out at once without any provocation, "I have an Orange jury in my pocket?"—"An Orange panel."

Without any thing leading to it?—Those were the words he used, "I have the Orange panel in my pocket."

Without any question being addressed to him?—I did not hear any question addressed to him upon the subject.

Whom was he talking to at that time?—Mr. William Graham.

Did you see Mr. Barrett Wadden during the time that Mr. Sheriff Thorpe was remaining at Mr. Sibthorpe's?—No, I did not.

He lives within a door or two, does not he?

—Mr. Wadden lives next door to Mr. Sibthorpe.

Has he been in Liverpool lately?—I understand he has.

He is your step-father?—He is.

When is the last time you have seen Mr. Wadden?—I saw him this evening, in the lobby of this House; I saw him a few moments ago.

You are not on terms with him now?—No, I am not.

Whom did you mention this conversation first to?—To a person of the name of Mac Natten.

When were you called upon, or by whom, to give testimony of this?—By Mr. Wadden.

When did you mention that expression of Sheriff Thorpe to Mr. Wadden?—The day after I had heard it.

When were you first examined by any officer of the crown, or any professional person, on the subject?—A few days after I had mentioned it to Mr. Wadden.

By whom were you then examined?—The attorney-general for Ireland, at his house in Steven's-green.

Did Mr. Wadden go with you there?—He did.

Will you mention all the persons that were in the room when this expression was supposed to take place?—Mr. and Mrs. Sibthorpe, Miss Sibthorpe, young Mr. Sibthorpe, William Graham, Mr. Sheriff Thorpe.

Could that have been said without any one of them hearing it?—Yes; there were persons in the room that might not have heard it.

By Mr. Browder.—Were there not persons nearer to Sheriff Thorpe than you, when he made use of the expression?—William Graham was nearer to him than I was. I do not think that any other person was nearer to him.

Was he the nearest person of the party to him at the time?—Yes, he was.

Then of course that conversation that came to your ears, could not have escaped William Graham's?—I think he could have heard it.

Did Mr. Sheriff Thorpe seem to direct that expression to Graham?—No, he did not appear to direct it to any particular person.

By Mr. Goulbourn.—Were not you extremely surprised that Mr. Sheriff Thorpe should have been so indiscreet as, in the hearing of several persons, to state, that he had got the Orange panel in his pocket?—I was.

Have you heard any other remarkable expressions on the part of Mr. Sheriff Thorpe?—I have. He said, "I wish the devil had the marquis Wellesley out of this."

Were there any others that you recollect used by him?—Yes; I cannot repeat his exact words; but the meaning of them was, "he is an annoyance, he is in our way."

Are you stating the substance of a conversation, or only a particular expression?—I am only stating the substance, the meaning that I attached to what I heard.

At what period did you communicate those

expressions to any one?—The first was to Mr. Mac Natten and to Mr. Wadden.

By Mr. Bright.—At what time were they communicated to you?—I think four or five days after the trial had taken place.

Were they communicated to the grand jury?—I cannot say.

By a Member.—You believe those expressions, respecting the marquis, were heard by persons who were present at the trial?—I believe the expressions were heard by persons who were present at the trial.

By Mr. Bright.—Did you believe that the last expression, that he wished the devil had the marquis out of this, was said by Sheriff Thorpe?—I believe he wished the devil had the marquis out of this, and I was close to him, and I was about withdrawing.

Had you, or any of the counsel, been talking of the marquis before Mr. Sheriff Thorpe made that expression?—I do not know.

Was the marquis Wellesley society?—The subject of conversation at that time, related to the occurrence at the trial, and I think the marquis Wellesley mentioned.

Did Sheriff Thorpe say any thing to the marquis Wellesley at that time?—I did not hear any remark from Sheriff Thorpe.

That was all that was said?—That was all that was said, and it led to the order for his arrest; I observed the use of the expressions when he was up his coat.

By Mr. Browder.—A man of the name of Graham was in the society?—Yes.

You have stated, that he was averse to the cause?—Yes.

Was he aware at the time, that he was accused of having conspired to assault the Lord Lieutenant in the theatre?—I do not say.

Did you know that he was?—No.

Henry Cooper, esq. called in; and

By Sir G. Hill.—You are one of the counsel for the defence?—Yes.

Do you recollect the striking of the grand jury, that has caused the trial?—Yes.

Were you called upon, on that occasion, to take any part in the striking of the grand jury?—I was.

By whom?—By the solicitor, by letter.

Have you that letter in your possession?—I have not.

Can you state what the purport of that letter was?—It was, that I should take any part in the striking of that jury, to prevent the trial.

That letter was from whom?—From Mr. Kemmis.

The crown solicitor?—Yes; I think it went so far as to say, by desire of the attorney-general.

Would you have interfered with your brother sheriff in the striking of that panel, if you had not received that letter?—I do not think I should.

And why?—I conceived, that the sheriffs acting quarterly had that prerogative of striking their own juries; he was the elder sheriff.

Is there any etiquette between the sheriffs, with regard to each striking a grand jury at a commission by themselves, without the interference of their brother sheriff?—I conceive it so.

What is the usual arrangement between the sheriffs in that particular?—The usual arrangement is, that the sheriff for the quarter strikes his panel; and that he may or may not communicate with his brother sheriff.

Is it the arrangement, that the senior sheriff strikes the panel of the first grand jury?—It is.

And the junior sheriff the next grand jury?—The next quarter.

What occurred between you and your brother sheriff, when you attended at the striking of this grand jury at the request of the crown solicitor?—He had made his document for the sub-sheriff to strike the panel; I attended, and we concurred on the panel which was struck. I mean, that my brother sheriff and I had agreed upon the gentlemen who were put upon that panel.

Do you mean thereby to say, that you and your brother sheriff went through the list of the proposed grand jurors who were to serve upon it?—Yes.

Did you go through that list, and canvass the names individually?—We did, with the sub-sheriff, Mr. Whistler.

Had you any feeling, that you had a more peculiar duty than on other occasions to perform, when you were so particularly called upon to assist your brother sheriff in striking this panel?—I did, in consequence of the letter I received.

Did you feel any particular responsibility upon yourself upon that occasion, to look to the individuals that were proposed to serve upon that grand jury?—I considered, that those men who were put upon that panel, should be respectable citizens of Dublin.

Did you, as a sheriff, feel yourself personally responsible for the characters of the individuals upon that panel, as far as your intelligence could assist you?—Yes.

Have you a pretty large acquaintance with the citizens of Dublin?—Indeed, pretty generally.

What is your own situation in life?—A coach-maker.

How long have you belonged to the corporation of Dublin?—About 13 years.

Did it occur to you, to offer any objection to your brother sheriff, with respect to any of the names proposed upon that panel, as in any-wise objectionable?—I did.

Did you object to any of them in consequence?—I did.

What became of those names that you did object to?—They were struck off the panel.

Do you recollect how many there were?—One particularly, I think.

Did you consider, that that grand jury was as respectable, for all the purposes of discharging their duty, as grand juries usually are?—They were.

To whom was the crown solicitor's note addressed?—The letter I received was directed personally to me.

Did you exercise a more than ordinary scrutiny with regard to that panel, in consequence of that letter, or not?—From the names that appeared to me, I exercised it so far, as I conceived those men who were put on it to be fully responsible for the situation in which they were placed.

Were the names that were struck upon that panel, usually to be found on other grand jury panels in Dublin?—I rather think they were.

Did it appear to you, upon the examination of that panel, that there was any extraordinary number of persons that had not usually been upon the grand jury panels placed upon it?—No.

Were those individuals that were struck off that panel, objected to upon any political ground?—No.

By Mr. *Brownlow*.—A witness, that has been at the bar of this House states, that Mr. Sheriff Thorpe said, on the 17th Dec., he had an Orange panel in his pocket; when did you and Mr. Sheriff Thorpe agree upon the grand panel of January 1823?—I think it was three days previous to the summonses for the jury being issued.

Did Mr. Sheriff Thorpe represent to you, that a man of the name of Poole had applied to be on that grand jury?—He did.

Mr. Sheriff Thorpe suggested that to you?—No, Mr. Poole applied to me.

Do you recollect Mr. Sheriff Thorpe making any observations on the name of William Poole in that list?—I recollect that a conversation occurred, that Mr. Poole had applied to me; he came to my office to say that Mr. Sheriff Thorpe promised to put him on that panel, and applied to me to speak to Sheriff Thorpe; I told him that it was his quarter, and I referred it to him.

What passed between you and Mr. Sheriff Thorpe upon the subject of Mr. Poole?—In consequence of his application, we mutually agreed that we did not think he should be one on the panel, from his application.

It was by Mr. Sheriff Thorpe your attention was called to the name of Poole upon that list?—I had myself an objection, in consequence of his calling on me.

In which objection Mr. Sheriff Thorpe concurred?—He did.

Have you seen Mr. Sheriff Thorpe in company with the lord lieutenant of Ireland, since the striking of this grand commission panel?—I have, more than once.

That he considered himself Mr. Sheriff Thayer as a public individual, as I was when that matter was up, it would have been an honor to have his name on the list of the individuals who were Mr. Sheriff Thayer's—It is as I remember, perfectly correct.

Did he receive any money?—The answer is, no, he did not receive any.

Is there any distinction between what he received and what he did not receive?

That he made up to the money?—The answer is, that the money of being sheriff is the same as his salary, and it is correct. He was sheriff of Thayer and the fact that he was sheriff of Thayer.

When was that?—That is, when he was sheriff.

Since a number of persons were made against the sheriff-general in Thayer in the House?—(6) long since.

Dr. Colonel Barry.—When was the money at the time, in the ex-officio position, in the first instance?—That was in my opinion, it was proposed by my sub-committee, sheriff Thayer, and me.

Did sheriff Thayer, it was, when the money was put in the collection of that money?—No.

If sheriff Thayer had accepted that he would take care to have as good a deal as he could of the ex-officio position, as he had had a good deal in the meantime, he would not have accepted it.—(C) certainly not through me.

If sheriff Thayer had wanted to take a good deal for that purpose, could he have accepted it?—Certainly not.

Is it true that, that sheriff Thayer said, it is a conspiracy, that he would do all that was before him?—I suppose the answer is, that he was a conspiracy of making him of such an expression, it is not, I think he was wrong.

Are you a party man?—No.

Dr. Mr. Barry.—The sheriff's power to make changes in Thayer, is that not?—That is.

Did you give "The Thayer Society" a vote?—I did not.

I am not interested in it, that which was at the time Mr. Sheriff Thayer is strike the table for the good of the State, there was a list of names proposed?—Yes.

That list was ready when you got there?—It was.

Out of that list you named, who did you name?—I think there were three that I named.

Those names being named for the purpose of the State?—Yes.

Are you acquainted with all of the members of these bodies that appeared upon the list?—Pretty generally.

Were you acquainted with their political sentiments?—No, I was not.

Then you and your brother sheriff did not select the names out of the corporations at large, but out of a list of fifty-three names proposed by Mr. Sheriff Thayer?—Yes.

I am not sure that the members of these bodies were not named by the State?—Yes.

When was the list of names named?—The answer is, that it was named.

Was the list named by the State?—The answer is, that it was named by the State.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.

—Yes.



or not, at the time it was handed to you?—I considered it shorter than what the usual panels returned were.

Have you been in the habit of observing what was the usual number of common-council-men on a commission grand jury?—I think they varied frequently.

Have you formed any notion in your own mind, what the usual number of them were upon the panel?—At that period I did not consider it; at this moment I have seen eight, ten, or twelve.

Did it occur to you, on looking over that panel, that there was an unusual number of common-council-men upon that?—It did not, particularly.

Have you since observed that circumstance?—Since, from remarks, I have observed that there were more common-council-men than usual upon it.

Is there one sub-sheriff for both the sheriffs, or have you each one?—One for both.

You spoke of *your* sub-sheriff forming the panel for the trial of ex-officio information?—Concurring with me.

What is the manner in which that is done?—It is formed partly by the sub-sheriff and partly by the high-sheriff.

In what manner was that panel formed?—He submitted the list of respectable citizens to me; with this, and with my own knowledge of the city, I struck that ex-officio jury, and returned it to him.

The body of the list is presented to the sheriff in the usual course, ready formed by the under-sheriff?—No; he submitted a number of names of the respectable merchants and traders of Dublin; with those whom I added myself, we afterwards made a list for the panel, at which sheriff Thorpe was present.

Can you at all state the proportion of names you added to those that he submitted to you?—I dare say there might be one half; those men whom he submitted I very well knew.

Then it was the same person who performed the office you have stated in forming the panel for the petit jury for the ex-officio informations, who had in like manner primarily formed the panel for the grand jury, in January 1823?—No, I cannot say that.

Was not it the same sub-sheriff?—Yes; how far sheriff Thorpe communicated with him I cannot say.

You do not know whether that is the usual course for the sub-sheriff to form this subject to his communication with the high sheriff?—It depends upon the sub-sheriff and the high-sheriff; I have that confidence in the sub-sheriff, to believe that he would not submit any man upon that, that I would not myself think a proper man.

In whose hand-writing was the panel for the grand jury, when it was submitted to you?—I believe it was in sheriff Thorpe's.

By Mr. *Plunkett*.—What is the ordinary course in the office of returning the commission grand jury; is it by the high-sheriff, or the

clerk in the office?—I cannot account for any thing but what has occurred since; I came into office at the exact moment.

Have not you understood what is the usual and ordinary course in the office; is it not the ordinary course for the panel to be returned by the clerk in the office, and not by the high-sheriff?—I rather think not.

Is there any difference in the mode of framing the panel of the grand juries and the petty juries?—I always understood the high-sheriff took that prerogative to himself of returning the grand jury.

Always, in ordinary cases, that he took that prerogative to himself?—In all cases, I understood it so.

Do you mean to say, that the usual and ordinary practice in the Sheriff's-office is for the high-sheriff to return the panel of the grand jury, and not to have it returned by the clerk in the office?—It is my feeling in the office; that is what has been done since I came into office.

At what time was it that you first interfered with respect to the return of the January grand jury panel?—On receiving the letter from Mr. Kemmis, I communicated to the sub-sheriff and to the high-sheriff; that was my first interference.

A panel was then shown to you, in the hand-writing of Mr. Sheriff Thorpe?—I believe it to be so.

Do you not believe that a great proportion of the persons who were returned upon that grand jury panel by Mr. Sheriff Thorpe, were persons of very strong political feeling upon the particular question of dressing the statue and drinking the toast?—I conclude, that some were, and some were not; if I could form an opinion of the whole I would do so.

Had there not been an election of corporators in December?—There was.

Was not there a very strong agitation in the public mind, at the time of the election of those corporators, particularly on the subject of the dressing of the statue?—Not to my knowledge at that time.

In December had not the dressing of the statue been prevented, by order of the lord mayor, in the month of November?—Yes.

Was not there a censure of the lord mayor, by the corporation, for doing so?—There was.

Was not there a censure of the lord mayor by the guild of merchants, for doing so?—I believe there was.

Was not it in the midst of that agitation, that the new corporators were elected, in the month of December?—It was.

Was not there a very strong political feeling in the minds of a great body of the corporators who were so elected in December, at the very time when those censures were pronounced?—In some guilds there was strong political feelings expressed, I believe.

In the guild of merchants, particularly, was there not a very strong political feeling expressed?—I conceive there was.

The guild of merchants elect 31 common-council-men?—Yes.

Will you have the goodness to look at that paper [a paper being handed to the witness]; do not you believe that that printed list was furnished by the persons who are the friends of dressing the statue to the corporators, for the purpose of having a list chosen of common-council-men from the guild of merchants according to it?—I consider this a list for the purpose of returning those men that were in it.

Will you have the goodness to read the title of it?—"Guild of merchants; the glorious and immortal memory list; good men in bad times."

There is a picture at the top, representing king William on horseback?—I believe it does.

He is represented with his horse treading upon the knave of clubs?—I suppose it does.

Do not you understand that, as representing the lord mayor?—I should suppose it was.

Do not you find seven of the names who were returned in that list "as good men in bad times," and for that purpose sworn upon the grand jury in January 1823?—I think there are seven names appear here.

Name the seven persons?—Mr. John Stevens was on it, I think; Mr. Joseph Henry Moore, Christopher Graham, Joseph Lampray, John Davis, Robert Lodge I think was on it, and Samuel Lampray.

Do you, or do you not believe, that those persons who were so named, "as good men in bad times," and who are elected on that recommendation, were persons of strong political bias upon the subject of dressing the statue, and drinking the toast?—As to their strong political feelings I cannot say.

Do you believe they have any political feelings?—I think they have; but as to strong political bias, I cannot form an opinion.

Do you think that those seven persons were fit, fair, and impartial jurors to try a question, for the purpose of finding a bill of indictment upon the subject then pending?—I do.

If the 31 persons, who are named in that list had been returned upon the panel of the grand jury, would you have thought them objectionable, as fair persons, to try that question?—Some I would not have returned; I cannot say that they were unfair, but I would not put them on.

Did you object to any person proposed by sheriff Thorpe, in the panel that he submitted to you, on the ground of their political opinions?—I do not recollect that I did.

All you looked to was, that they were respectable citizens?—Fair and respectable citizens.

Would you have thought yourself at liberty, when sheriff Thorpe returned you the list of fair respectable citizens, to object to any one of them, on account of a political bias?—I think if I had expressed a reason, that he would have struck off any that we would have mutually struck off.

Would you have objected to any of those respectable citizen returned on sheriff Thorpe's list, merely because you thought he had a political bias?—If I did not consider him a violent man, I would not have struck him off.

Were you aware, when sheriff Thorpe submitted that list to your consideration, that there were 27 corporators returned upon that list who had been elected in the month of December previously?—I was not aware, except of the number when it was submitted.

Do you believe that there was any of those 27 corporators so returned, who were friendly to the dressing of the statue?—I think there were men on that panel that were rather, under the circumstances, that the statue was not dressed.

Can you mention under what circumstances you felt that way?—That is my feeling of those jurors.

Do you mean, out of the 27 common-council-men?—As to the men who were on that panel, I do consider some of them, men who would not wish to have the statue dressed, and some of those men on the grand jury.

Can you explain the circumstance of the entire grand jury being sworn out of the first 26 persons upon the panel?—I cannot, except their attendance in consequence of being liable to fines; I do not know of any other reason.

Had they not, on all former occasions, been liable to fines?—They had, as far as I know.

Have you ever heard of any instance in which a grand jury of 27 was obtained on a former commission, without coming down as low as the 57th man upon the panel?—I cannot answer that question accurately.

When you came to frame your panel of petit jurors, did you at first frame it in the same manner in which you finally received it?—There were some alterations, but very few.

Did you frame your own panel, or did you receive a panel framed from your sub-sheriff?—Part by the sub-sheriff, and part by myself framing.

Is it not the ordinary course in returning a panel of the petit jury, to take the grand jury and out of that to take some of the most respectable and leading names?—I did it.

After you had done it so, were there any alterations made, and at whose suggestion?—There were very few, for they were of a respectable return, that it was unnecessary.

By whom were those few suggested; did you speak of those that were returned by the sub-sheriff?—I speak of the whole panel.

How many were returned by the sub-sheriff?—What proportion did the number returned by him bear to the whole panel?—I think it might be from 20 to 30 or more.

You have said, that you are not a man of any party feeling; do you mean to say, that the sub-sheriff, Mr. Whistler, was not?—I think him what I would term a violent party feeling man.

By Sir *G. Hill*.—Amongst the citizens of Dublin, do you not think that, generally, each man in society has formed his opinion upon the propriety of what is called, granting the Roman Catholic claims?—I rather think they have, almost every man in Dublin.

Are you of opinion, that a man who is hostile to the Roman Catholic claims is disqualified as a grand juror, or incapable from that circumstance of performing his duty as a grand juror, upon his oath?—I do not.

Then, comparing that grand jury with other grand juries that you have known sworn in the city of Dublin, do you think that grand jury was as capable of performing its duty conscientiously as any one you have known?—In my opinion they were.

By Lord *Milton*.—The panel was formed out of a list written in Mr. Sheriff Thorpe's hand-writing?—I believe it was.

You suggested the propriety of striking off some names in that list?—Yes; I think three; and others were substituted.

In point of fact, the panel, as it stood, consisted of names, all of which were suggested by Mr. Sheriff Thorpe?—They were sure; those struck off, and those substituted in the place of them, that we mutually agreed on.

Were there any substituted in the room of those struck off?—There were.

By whom were they suggested?—I think they were mutually agreed upon by both of us.

By whom were they suggested?—I really think, that, taking the almanack, we spoke on several citizens probably, and took them from those names that we mutually talked of.

But not particularly suggested by you?—We agreed that those persons should be substituted in the room of the others.

Were they suggested by you, did they come from a list you suggested?—No; I had no list.

By Mr. *Goulburn*.—When you met sheriff Thorpe, for the purpose of arranging the panel, did you know what bills were to be brought before the grand jury, against whom?—I conceived of course, those men who were in prison, with any others, for the riot in the theatre.

Did you know that a person of the name of M'Culler, was to be indicted before that grand jury?—Not at that time I did not.

Mr. Joseph Henry Moore was on that grand jury?—He was.

Was he proposed originally by Mr. Sheriff Thorpe?—He was in the list.

Do you know whether he bears any relation to Mr. M'Culler?—Not to my knowledge. I do not know any further than having heard he was his clerk.

Has not Mr. Moore been in the habit of attending the commission grand juries constantly?—He has, frequently.

Do you happen to know that Mr. Moore's sister is married to the provost of Dublin University?—I do not know it, as my own knowledge, but I believe it to be so.

By Mr. *S. Rice*.—Were you a party to the panel in October, 1822?—I was not.

Have you joined in a panel for a term or presenting grand jury at any other time?—No.

Have you ever served individually upon either term or commission grand juries?—I have on both.

What kind of persons composed the term or presenting grand juries?—Principally the corporation of Dublin.

Are there any other individuals upon them?—I do not know that there have been.

Do you know, as sheriff of Dublin, whether it is the usage to select those grand juries out of the members of the corporation?—I believe it is, generally.

Is the serving on a commission grand jury, considered a burthen or an advantage?—It would be considered an inconvenience to men in business.

Is the serving on a presenting grand jury, considered as a burthen or an advantage?—I declare, I do not know the advantages of it; I would avoid them; I never was but on one.

On the commission grand jury on which you served, how many members of the corporation were there?—I should suppose the number to be 10, or 12, or 14.

Can you state, whether there is a general anxiety to serve on a presenting grand jury?—I have heard it, but I do not know it accurately.

Do you believe, that there is a general disinclination to serve on the commission grand juries?—Some men will serve on the commission grand juries, in consequence of their being short, to avoid being put on others.

By Mr. *Hume*.—You have stated, that in consequence of a letter which you received from the crown solicitor, you attended Mr. Sheriff Thorpe, where is that letter, and can you produce it?—I have the letter perfectly safe at home.

You have stated, that you went to Mr. Sheriff Thorpe in consequence of that letter, and found that he had drawn out the list of the panel, which he produced to you; in consequence of the discussion which took place, was any alteration made in the order in which the names were placed upon that list?—There were alterations made in that respect, moving the names up.

You have stated that several of the corporation applied to you to be excused from serving, can you remember the names of such corporators as prayed to be excused?—I remember Mr. Forster applying.

You have stated, that you did not consider, and do not consider the seven names, which you read from the paper which you hold in your hand, to be violent party men; will you state whether you consider Mr. Sheriff Thorpe a violent party man or a moderate party man?—I would consider him inclined to party, but as to violence it is a difficult matter for me to form an opinion.

Do you consider Mr. Sheriff Thorpe a decided party man?—Oh, I think him a party man, decidedly.

Do you consider those seven individuals less

have not formed some opinion, one way or another about the dressing of the statue?—If I was to form an opinion, I would conceive that every man in Dublin has formed some opinion upon it.

Do you conceive those men who were on the grand jury, having, in common with the rest of the citizens of Dublin, formed such an opinion, they were men who would have perverted justice on their oaths, by finding a partial verdict, in consequence of those opinions they had formed?—I do not.

By Mr. Brougham.—Your sub-sheriff, Mr. Whistler, is an attorney?—He is.

How often has he served the office of sub-sheriff?—I believe this is the second time; it is many years since he served before.

There is a bye law, or an act of parliament, which prevents a person serving oftener than once in three years, is there not?—I understand there is.

Who served the office of sub-sheriff the year before Mr. Whistler?—Mr. Archer.

Who is Mr. Archer?—An attorney.

Is he at all connected with Mr. Whistler?—I am almost certain not.

Do you know of any person in the employment of Mr. Whistler serving the office of sub-sheriff the year before?—No, serving as sub-sheriff a year or two before; there is no such clerk in the office as Mr. Archer.

The year before Mr. Archer, did the person who was a clerk in the employment of Mr. Whistler serve the office of sub-sheriff?—No.

Do you know it one way or the other?—No; I know there is no sheriff has served, an under clerk to Mr. Whistler; nor connected with him in any way.

Who elects the sheriff?—The commons; there are a number sent from the commons to the board of aldermen, and from this number the two sheriffs are chosen.

Do you mean by the commons, the common-council-men?—Yes.

Did you ever hear of a society called "The Amicable Society?"—I have.

Is it composed of common-council-men?—There are a number of common-council-men in it.

Are the bulk of the society common-council-men?—No, they are not.

Are a considerable number of the members of it common-council?—As members of the society, there are a good many common-council-men.

Do the Amicable Society exercise an influence upon the election of sheriffs?—They recommend the friends of that society, I rather think.

Do they not exercise a considerable influence in the choice of the sheriff?—They do, rather in the returns, not in the choice of sheriff.

In the return to the aldermen of those out of whom they are to choose?—Yes.

How many are sent up to the aldermen?—Eight.

VOL. IX.

Did you ever hear of an understanding between the persons who are to be returned to be assisted in the election by the Society, an understanding between the common-council or the Society, the conduct they are to hold while the election is going on?—No, I do not know that there is any compact.

There is nothing in writing, but there is something understood between them, do they think there is any understanding.

Any thing understood between the patronage of offices?—I think so.

You must be quite sure of that, in your own case?—In my own case I am certain of it; as to the patronage of the office, certainly not.

You have no recollection of any understanding as to the line you were to follow in the conduct of your office?

Is there not a considerable degree of influence in the power of the sheriff?—I have no knowledge.

Do they not name to a number of persons?—To none but the sub-sheriff.

That is the only appointment?—Yes, I believe so.

Is that the only appointment they have named to, or had a share in?—The only appointment.

Is there not a keeper of the prison?—There is.

Have they nothing to do with the appointment of the keeper?—The nomination of the officers of the prison comes from the sheriff.

Does that include the keeper of the prison?—The sub-sheriff named the keeper, and concurred in the appointment.

Do you mean that the sub-sheriff who appoints those officers, or the names to the sheriff?—He sends the names; and I concurred in his appointment.

Do you recollect any other of those officers?—No; only the officers of the office which is his clerk in the sheriff's office.

Are those officers changed with the sheriff?—They are not, I believe.

They continue in them after the sheriff is changed?—When they are behaved persons, I conceive they continue.

Is the office of the sub-sheriff one?—I believe it depends upon the person; I dare say it may be worth from a year to a year and a half.

Does he account for the fees of the sheriff?—He does.

Does he pay any other costs?—The high-sheriff, besides accounting for his own expenses, Not that I know of; not to me.

The sub-sheriff gives you a security?—He does.

Would you not consider you were not safe with the safety of that security conferred with his appointment of such as the keepers of the gaol, have alluded to?—It would.

F



By Sir *G. Hill*.—Amongst the citizens of Dublin, do you not think that, generally, each man in society has formed his opinion upon the propriety of what is called, granting the Roman Catholic claims?—I rather think they have, almost every man in Dublin.

Are you of opinion, that a man who is hostile to the Roman Catholic claims is disqualified as a grand juror, or incapable from that circumstance of performing his duty as a grand juror, upon his oath?—I do not.

Then, comparing that grand jury with other grand juries that you have known sworn in the city of Dublin, do you think that grand jury was as capable of performing its duty conscientiously as any one you have known?—In my opinion they were.

By Lord *Milton*.—The panel was formed out of a list written in Mr. Sheriff Thorpe's hand-writing?—I believe it was.

You suggested the propriety of striking off some names in that list?—Yes; I think three; and others were substituted.

In point of fact, the panel, as it stood, consisted of names, all of which were suggested by Mr. Sheriff Thorpe?—They were sure; those struck off, and those substituted in the place of them, that we mutually agreed on.

Were there any substituted in the room of those struck off?—There were.

By whom were they suggested?—I think they were mutually agreed upon by both of us.

By whom were they suggested?—I really think, that, taking the almanack, we spoke on several citizens probably, and took them from those names that we mutually talked of.

But not particularly suggested by you?—We agreed that those persons should be substituted in the room of the others.

Were they suggested by you, did they come from a list you suggested?—No; I had no list.

By Mr. *Goulburn*.—When you met sheriff Thorpe, for the purpose of arranging the panel, did you know what bills were to be brought before the grand jury, against whom?—I conceived of course, those men who were in prison, with any others, for the riot in the theatre.

Did you know that a person of the name of M'Culler, was to be indicted before that grand jury?—Not at that time I did not.

Mr. Joseph Henry Moore was on that grand jury?—He was.

Was he proposed originally by Mr. Sheriff Thorpe?—He was in the list.

Do you know whether he bears any relation to Mr. M'Culler?—Not to my knowledge. I do not know any further than having heard he was his clerk.

Has not Mr. Moore been in the habit of attending the commission grand juries constantly?—He has, frequently.

Do you happen to know that Mr. Moore's sister is married to the provost of Dublin University?—I do not know it, as my own knowledge, but I believe it to be so.

By Mr. *S. Rice*.—Were you a party to the panel in October, 1822?—I was not.

Have you joined in a panel for a term or presenting grand jury at any other time?—No.

Have you ever served individually upon either term or commission grand juries?—I have on both.

What kind of persons composed the term or presenting grand juries?—Principally the corporation of Dublin.

Are there any other individuals upon them?—I do not know that there have been.

Do you know, as sheriff of Dublin, whether it is the usage to select those grand juries out of the members of the corporation?—I believe it is, generally.

Is the serving on a commission grand jury, considered a burthen or an advantage?—It would be considered an inconvenience to men in business.

Is the serving on a presenting grand jury, considered as a burthen or an advantage?—I declare, I do not know the advantages of it; I would avoid them; I never was but on one.

On the commission grand jury on which you served, how many members of the corporation were there?—I should suppose the number to be 10, or 12, or 14.

Can you state, whether there is a general anxiety to serve on a presenting grand jury?—I have heard it, but I do not know it accurately.

Do you believe, that there is a general disinclination to serve on the commission grand juries?—Some men will serve on the commission grand juries, in consequence of their being short, to avoid being put on others.

By Mr. *Hume*.—You have stated, that in consequence of a letter which you received from the crown solicitor, you attended Mr. Sheriff Thorpe, where is that letter, and can you produce it?—I have the letter perfectly safe at home.

You have stated, that you went to Mr. Sheriff Thorpe in consequence of that letter, and found that he had drawn out the list of the panel, which he produced to you; in consequence of the discussion which took place, was any alteration made in the order in which the names were placed upon that list?—There were alterations made in that respect, moving the names up.

You have stated that several of the corporation applied to you to be excused from serving, can you remember the names of such corporators as prayed to be excused?—I remember Mr. Forster applying.

You have stated, that you did not consider, and do not consider the seven names, which you read from the paper which you hold in your hand, to be violent party men; will you state whether you consider Mr. Sheriff Thorpe a violent party man or a moderate party man?—I would consider him inclined to party, but as to violence it is a difficult matter for me to form an opinion.

Do you consider Mr. Sheriff Thorpe a decided party man?—Oh, I think him a party man, decidedly.

Do you consider those seven individuals less

party men than Mr. Sheriff Thorpe?—I would consider some of them less party men, and some probably have similar feelings.

Will you state any one of those seven, whom you consider more decidedly party men than Mr. Sheriff Thorpe?—I would consider Mr. Graham and Mr. Stevens as more moderate.

If Mr. Sheriff Thorpe had been one of the jurymen, would you have considered him objectionable, as a strong party man, to try such a cause?—Had he taken the oath as a juror, I would have considered him perfectly eligible.

By Mr. Brougham.—Did the sheriff send a copy of the panel, when it was settled, either to the crown solicitor, or to the attorney-general, or to the castle?—I do not think he did; not to my knowledge.

You have stated, that, according to your opinion, the panel could not be called an Orange panel; and you have stated also that you do not know the political feelings of the persons upon it; what ground have you, therefore, for forming an opinion, that it was not an Orange panel?—I had no grounds for forming an opinion on it; I know no man upon it to be an Orange-man,

You stated, that three or four names were removed, with the concurrence of your brother sheriff, and as many more substituted in their places, upon what grounds were those persons so removed; was it political grounds, or for misconduct, in your view?—Not from political feelings.

The House resumed. The Chairman reported progress, and asked leave to sit again.

## HOUSE OF COMMONS.

*Tuesday, May 6.*

SHERIFF OF DUBLIN.—[INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a Committee on the Conduct of the Sheriff of Dublin, sir R. Heron in the Chair,

Mr. *Barrett Wadden* was called in; and examined

By Mr. *J. Williams*.—Where do you reside?—In Palace-street, Dublin.

What is your situation in life?—That of a silk-manufacturer.

Do you know a person of the name of M'Connell?—I do. He was before this House last night. He is my wife's son by a former husband. I saw him the Wednesday after the riot in the theatre.

Did he make any communication to you, about that time, of any thing that he had heard?—He did.

What was it that he stated to you at that time?—He expressed his surprise at the conduct of Mr. Sheriff Thorpe, in whose company he had been the preceding evening: his identical words were, "that the sheriff had not only betrayed great ignorance, but that his con-

duct was so extraordinary, that I scarcely believe the man to be in the possession of his senses; that there were a number of persons present, namely, the sheriff, the lady, Mrs. Sibthorpe, Mrs. Sibthorpe's daughter, John M'Connell, young Mr. Sibthorpe, William Graham, one of the rioters, or one of the persons supposed to be at the theatre the preceding evening; that we were playing at cards, and that William Graham in playing the knave of clubs, came down and said, "there's the lord may be damned to him, I wish he were out till I could have a lick at him;" that Mr. Thorpe sat in one corner of the room, and said, "how could you do it, for you are a little;" Graham was a very small man, and his answer was, "by God, I would jump upon him and have a lick at his neck;" that the sheriff then said, "be damned to the marquis Wellesley, we shall do no good in this country until we get him out of it." That in another part of the evening a question was asked by John M'Connell, namely, what is likely to become, or what is likely to be done with the persons now in confinement for the alleged riot?" and a question was put by John M'Connell, namely, any particular person in the room, be damned to him, and answered by the sheriff, "they are all damned to the marquis Wellesley; I will give them a jury that will quit them, for I have an Orange panel in my pocket," at the same time tapping his pocket. This was the communication made to the House on Wednesday evening following; the communication having occurred in Mrs. Sibthorpe's parlour the Tuesday evening; and certain persons considering the communication to be of great importance, that I was only discharging my duty, I owed my fellow citizens and my country, to make it large, in communicating it to the government, which I did. He also informed me, that Mr. Thorpe, when he retired home, in buttoning up his coat, just as they opened the door, said, "well, at all events, be damned to the marquis Wellesley." I received this information on Wednesday; the following day I communicated it to the government; and on the day following, John M'Connell was summoned up to the castle; and the matter then came before the House, and was believed, taken upon oath. I communicated this to Mr. Matthews, the private secretary of the attorney-general. In consequence of that communication, the attorney-general had a conference with me about the matter.

Did you state to the attorney-general any thing you have mentioned to this committee?—The principal part of it.

Have you been unfortunate in trade?—Extremely so; for I have been a bankrupt.

Have you obtained your certificate?—I did not want to obtain it; the commission having been superseded, and I reinstated in my business, to the satisfaction of my creditors, for I have but two in the world.

Have you, at any time, been compelled to leave Ireland?—I have never been compelled to leave my house for one moment.

By Col. *Barry*.—You have said, that you stated part of what you have now stated, to the attorney-general, and part you did not; will you state, what part you did not state?—The communication that I made to the attorney-general, in the first instance, principally alluded to the expressions that were used by Graham, as applicable to the lord mayor. Our lord mayor of Dublin is a card-maker, and when the knave of clubs was thrown down by Graham, it was accompanied by that expression as applicable, not only to the lord mayor as such, but as card-maker; and the communication I made to the attorney-general, as it related to Mr. Sheriff Thorpe, was the expressions I have stated the sheriff to have used, as applicable to the marquis Wellesley; for I should state, that the whole of the evidence that I have now given to the House was not communicated to me by John M'Connell at one time.

Did you mention those remarkable circumstances of having an Orange panel in his pocket, to the attorney-general, in your first interview?—I did not.

Why did you not?—Because the communication had not been made to me. I would divide the communication into two parts; the first was made to me on the Wednesday following the riot in the theatre; the second, as applicable to the Orange panel, was made to me on the following Saturday morning.

When did you mention that to the attorney-general?—That communication I mentioned to the attorney-general, in a letter written by me to him not more than a fortnight or three weeks ago.

Then you looked upon it as an immaterial point of the conversation?—As a most material one; and the reason that I did not make the communication sooner to the attorney-general was, that the attorney-general himself was acquainted with the fact, I believe, in one hour after it had been communicated to me. I have good reason to believe that the attorney-general had the information on paper from John M'Connell an hour afterwards. He was sent for to attend the castle, was there examined on oath, and the fact of the sheriff having said that he had an Orange panel in his pocket, for the trial of those traversers, was then sworn to by John M'Connell.

Mr. *William Poole* called in, and examined

By Mr. *J. Williams*.—What is your situation in life?—I follow no profession or business at present; I occupy some land in the county of Dublin, which I hold to my advantage. I have been a member of the corporation since 1802; I represent the corporation of brewers; they are composed of very respectable members.

You remember the time of the trial of the persons charged with committing a riot in the theatre?—I do, perfectly.

Do you remember about the time of the alleged riot and those trials, having any conversation with Mr. Sheriff Thorpe on the

subject of the jury?—I had a few words on the subject of a jury, but it was before the riot took place at the theatre; it was on the commission grand jury for the city of Dublin, where I have been in the habit of attending, and have been very high on the panel, and I spoke to sheriff Thorpe, en passant, one day in Sackville-street, saying, "I should wish to be on the next commission jury;" and he said, it should be so.

When was that?—About the middle of November.

What passed between you and Mr. Sheriff Thorpe?—I requested to be on the jury the next commission, and he said I should be so.

Did you see Mr. Sheriff Thorpe again, either before or shortly after the trials of the alleged rioters?—I did not see sheriff Thorpe, to speak to him, on the subject of the grand jury, until after the jury were sworn, and then I saw him in the Sessions house and spoke to him.

What passed between you upon that occasion?—I spoke to sheriff Thorpe in remonstrance; I thought he had treated me ill, by not putting me on the jury; and he said he had a very hard card to play, and many parties to please. I told him that was no affair of mine, but that I felt he had left me off the jury for party purposes, and had broken his word, and that, as such, I felt he was not a proper person to fill that situation of sheriff.

What circumstances did you allude to?—I alluded to his not placing me on the panel of the grand jury, and to the circumstance of the trial of the rioters.

To what did you allude when you used the word "promise"?—To the conversation we had in Sackville-street, en passant.

What did Mr. Sheriff Thorpe say to that remonstrance?—He said he had a very hard card to play; it was impossible he could please all parties.

You were understood to say something about leaving you out for party purposes?—Yes, I said that he had left me out of my place in the jury, for I had been in the habit of being very high on the jury, for party purposes; that he had broken his word for party purposes, and I felt that he had acted improperly.

What did you mean by leaving you out for party purposes?—What I meant was this, because I abided by the king's letter; and in the election for the brewers' corporation, the respectable part of that corporation, with my own exertions, put out a Mr. Sutter, who made himself very conspicuous in dressing the statue of king William, and in acting in collision with his majesty's government in opposing their measures.

Had that Mr. Sutter once belonged to the brewers' corporation with you?—He did.

Had you contributed to expel him, Sutter, from that corporation?—I certainly voted against him.

When you made those observations, did Mr. Sheriff Thorpe make any answer to you?—He said he had a very hard card to play; and

that, "conciliation-men" would not do for that jury; or words to that effect.

Was that after you had said, that you were omitted for party purposes?—Yes.

Do you know whether Mr. Sheriff Thorpe is acquainted with that Mr. Sutter?—Intimately.

Do you know of any cause for your being omitted from that panel, except what had passed with respect to Mr. Sutter in the brewers' company?—I do not.

Had you ever any difference with Mr. Sheriff Thorpe before your being omitted?—We never agreed in politics. We have not been connected, we have not mixed much together.

After this conversation upon the subject of your omission, did any thing further pass between you and Mr. Sheriff Thorpe?—I do not think I saw sheriff Thorpe, until the quarter's assembly after; I was going down stairs, and sheriff Thorpe got hold of my hand; he said, "I hope every thing will be forgiven and forgotten, and we shall be friends:" I walked down and took no notice. Connected with this, I would mention, that he asked me to his civic dinner, and pressed me to go; I said, if I dined in town I would; but, at the same time, I had no intention of going, and so I dined in the country; there is another dinner follows a week after that, and I was invited to that, but I did not go.

Has there been any other quarterly assembly, since the one of which you have been speaking?—There has been one last April.

Did you see Mr. Sheriff Thorpe at that quarterly meeting?—I certainly did, in the chair.

Did any thing pass between you and Mr. Sheriff Thorpe upon that occasion?—This Mr. Sutter is returned for the merchants; he got up to move a resolution for a committee to prepare a vote of censure and petition to this honourable House, condemning the measures of the attorney-general for Ireland; I opposed him, and moved an amendment; and I was seconded; but Mr. Sheriff Thorpe declared the measure to be carried, and refused putting my amendment.

By Col. Barry.—What was your reason for asking to be on the grand jury?—One of the reasons was, that it was my right to be on it from my standing on the corporation; another reason was, there was a Mr. O'Meara, whom I had known for some years, he called upon me to say, that he saw my name on the panel and to request I would attend on the next jury; I said I had no objection; he began stating the case with respect to some affair that occurred between him and lord Rossmore, about seventeen years back; I interfered, and said, if I was one of the jury I would do every justice, but he must pardon me from hearing one word upon the subject till the witnesses came into the jury-box.

Did you apply to sheriff Cooper, to be on the jury?—I did.

What reason did you give to him?—Alderman Smith wished me to be on the jury, and

he expressed his surprise; he said Poole I regret that you are not to be panel; that speech you made at the corporation, that conciliation speech is soon you are not to be on the jury. Thorpe will not put you on. I would mend to you to go over to sheriff Cooper and speak to him on the subject."

What had Mr. O'Meara to do with the jury?—There were bills of indictment presented against him, and he called upon me to attend upon that panel. I mentioned it to Mr. Sheriff Thorpe and said, "I wish to be on the mission jury." "You shall be on it," he said "certainly."

Was it before or after you applied to Cooper, that you had that conversation with O'Meara?—Before; for I applied to Cooper not more than three days before the jury was struck.

Were you acquainted with the circumstances attending the accusation against Mr. O'Meara?—I was not. I heard it was some transaction with reference to lord Rossmore, and more I know of it.

By Sir G. Hill.—Do you consider Mr. Sheriff Thorpe as a high party man, in Dublin? He is what is called a "Protestant ascendant man."

By Sir J. Stewart.—You have said, that of your objects for being on that grand jury was, that you considered it your right from my standing in the corporation.

Was it a presenting grand jury?—No. It was a commission grand jury.

Is it usual for men in your high station in the corporation, to solicit to be on the mission grand jury?—It is generally the practice in the corporation, that any member who wishes to be on a particular jury, merely signify their intention to the sheriff, and he puts them on.

What answer did Mr. Sheriff Cooper give you when you applied to him?—Mr. Cooper said, that he felt that I ought to be on the jury; but, says he, "it is not my business to impanel the jury; I have not the impanelling of the jury in my power; if you go up to sheriff Thorpe, he has the power in his pocket; he is attending the recorder's court, and I dare say he will arrange it for you; I went out of the gate with that answer; I never went to sheriff Thorpe; I felt independent and determined not to let myself down."

Will you attend to the statement which has been made to the committee respecting the grand jury, and state whether it is correct?—[An answer was read from the evidence of Mr. Cooper, of yesterday.]

Is there any part of sheriff Cooper's statement, which you have just heard read, to which you object to in point of fact?—I think the most part it is not founded on real facts. The only part that I conceive of that, that I think to be true, is that in which he says, that he referred me to sheriff Thorpe at the School-house, who had the panel in his pocket, and the rest I know nothing about it.



As far as it states what passed between you and sheriff Cooper, is it correct?—As excusing himself by saying it was sheriff Thorpe's quarter, and he would not interfere, and to go up to sheriff Thorpe at the court, that is perfectly correct; as to the rest I know nothing about it.

By Mr. *R. Martin*.—Where was it you were advised to go?—To the recorder's court, who was sitting.

Did you, in the recorder's court, make this request to sheriff Thorpe, to beg to be put on the grand jury panel because otherwise justice could not be done to Mr. O'Meara?—It was impossible that I could have made such a request in the recorder's court, because I never went there.

Did you make that request to sheriff Thorpe, and for that reason, previous to the impaneling of the grand jury?—I did not.

By Colonel *Barry*.—You were understood to have made application to sheriff Thorpe, to place you upon that panel?—I said, I thought he ought to do it; or, I should be obliged to him if he would place me on it, or place me upon the panel next commission that took place.

Did you offer him any inducement for doing so?—None, whatever.

Did not you tell Mr. Sheriff Thorpe, that if he placed you upon that panel, in order to try Mr. O'Meara's case, you would not divide on the play-house riot?—I did not make any compromise or offer; if the House thinks proper, I will give an explanation, as I was really indignant at hearing such a speech——[The witness was directed to withdraw.]

Mr. *Bennet* wished the witness to be admonished to conduct himself with that decorum which was befitting the assembly he was addressing.

Mr. *Abercromby* was of opinion, that as the hon. member for Armagh had made a particular allusion to the witness, the latter ought to be allowed to give an explanation of what he conceived to be a misunderstanding on the part of the former. The witness ought certainly to be admonished not to allude personally to any member.

Mr. *Bennet* said, that independently of the allusion of the hon. member for Armagh, the witness's whole manner was quite indecent. The committee ought not to suffer itself to be brow-beaten thus. The witness had made the most unbecoming exhibition he had ever beheld at the bar of the House.

Sir *J. Newport* observed, that if the witness had answered with some degree of warmth, it was in consequence of the violent tone which hon. members had assumed towards him.

Mr. *Forbes* said, that the witness must have been something more than man to have tamely borne the badgering to which he had been subjected. In his opinion, the witness had displayed that proper degree of spirit which every honourable man ought to exhibit when his veracity was attempted to be impeached [Hear].

Mr. Alderman *Wood* concurred in the sentiments of the hon. member who had just sitten down; and added, that it was a very common practice in the city of London, for gentlemen to ask the sheriffs to place them upon the grand jury.

Mr. *R. Shaw* was quite sure that the witness meant no offence whatever to the House.

[The witness was again called in.]

Chairman.—William Poole, in the answers you shall give to the questions which are asked you, you will not forget the respect which is due to this House; you are to consider all questions, from whatever quarter they may be put (which is a matter merely of convenience in form), as being put by the chairman; you will therefore, take care to avoid making any personal reflection on the person who may happen to put them, or any allusion to persons who may put them; but in giving you this warning, it is not my intention, nor the wish of the House, to prevent you from saying any thing in explanation which you may think necessary for your own justification.—I never had the slightest intention to be guilty of any disrespect.

By Mr. *J. Williams*.—Did not you tell Mr. Sheriff Thorpe, that if he placed you upon that panel, in order to try Mr. O'Meara's case, you would not divide on the play-house riot?—I never did offer any such compromise.—[The witness here stated several particulars relative to the general arrangement of grand juries.]

By Mr. *Scarlett*.—From your knowledge of the state of party feeling in Dublin, were the gentlemen selected on the grand jury, likely to have very strong party feelings?—I think the majority of them have very strong party feelings.

Were the feelings of those jurors so well known; that Mr. Sheriff Thorpe must have known that they had strong party feelings?—I am clear, that he was aware of their feelings.

By a *Member*.—Do you suppose it possible, in the present state of party in Dublin, to select three-and-twenty men, who have not strong party feelings?—I do; I think there could be a jury who would act with strict correctness and conscientiousness, and many such might be found in the city of Dublin, if those who impanelled them thought fit to select them.

By Sir *G. Hill*.—Do you consider that those individuals in Dublin, who possess the same political sentiments with yourself, are of that

class of impartial men that you have described might be selected for the grand juries in the city of Dublin?—Yes; I know of men of moderate opinions, that are loyal to their sovereign and to the constitution, that do not wish to outrage the feelings of their countrymen by any hostile acts; I know many of them that could be got.

Mr. *James Troy* called in, and examined

By Mr. *J. Williams*.—What is your situation in life?—A silk-manufacturer of Dublin.

Were you in Dublin at the time of the alleged riots at the theatre, and afterwards, when some bills were presented to the grand jury?—I was.

Were you before that jury on the day the bills were ignored, or on the former day?—I believe, the former day.

Were you examined before that grand jury?—I was.

To what point were you giving your evidence?—Relative to a transaction that occurred in a tavern, in Essex-street, the night of the riot at the theatre.

A transaction concerning what persons?—A number of persons that were indicted. Mr. Forbes, Brownlow, Graham, and others.

You have named the whole of the persons that you have designated, have you?—There were others in the indictment, that I do not recollect.

Had you seen some or other of those persons that you have now spoken of, at a tavern? On the night on which the alleged riot took place?—I had.

Did you state, what you had heard them say and do, to the grand jury?—I did.

Who examined you?—I was examined by several. I was in about a quarter of an hour.

How came you to quit the room in which the grand jury were?—After undergoing examination, I was told they were done with me.

Had you stated all that you had to say to the grand jury?—I think not the entire.

How did that happen; why not?—As far as I recollect at the time, I stated the occurrence that happened in the tavern; but there might be a part of the transaction that occurred there, that did not immediately come to my mind while in the grand jury room.

Did you state to the grand jury all that you knew, or if you did not, how did it happen that you did not state it all?—It occurred when a question was put to me, in giving an answer; before my answer was entirely delivered, I was interrupted by a fresh interrogation.

Did you name the persons that were supposed to be included in that charge?—In relating the transaction as it occurred, I was desired by two of the jurors not to name any person who might have expressed himself in any way, whom I did not know by name, the night the transaction occurred.

Before that time, had you stated that you did not know their names the night you saw

them at the tavern, but you learnt since?—I had.

Did you mention to the grand jury those observations were made to you by two of the grand jurors?—I knew the persons of the men?—I did.

And that you had since learned that?—I did.

Was it after that, that those observations were made to you by two of the grand jurors?—It was.

How long before you quitted the room, that these observations were made to you by two of the grand jury?—A considerable time before I left the room.

Mr. *George Farley* called in, and

By Mr. *J. Williams*.—What is your situation in life?—An attorney.

Were you examined before the grand jury upon the subject of the alleged riot at the theatre?—I was. Upon the subject of the conversation that took place in a tavern, in which I was sitting, kept by a person of the name of Flanagan, in Essex-street.

Had you seen some persons, or heard some expressions from them at that time?—I had. There was a Mr. Forbes, a Mr. Brownlow, and Mr. Atkinsons, and a Mr. Macintosh.

Did you give any evidence relative to the persons you had seen, and what you had heard, at that tavern?—I did.

Did you name any one person to the grand jury, seen and observed at that tavern?—I named two Mr. Atkinsons, Mr. Graham, Mr. Brownlow and Mr. Macintosh, as persons whom I knew by name. I mentioned that I saw another person sitting in the box opposite to me, whose name I did not know at the time. I was asked to mention the name; to which I did not know of my own knowledge. I then said, that although I did not know his name at the time, yet that I had seen him, and his name was Forbes.

Was any remark made by any of the grand jurors on your saying that you knew the name of that man?—I was called upon to mention the name; I had heard in the box; and in the name of Forbes I was again asked to mention the name; and I told not to mention the name of any person except I knew it of my own knowledge. I then said I had seen him at the time, that I was told his name was Forbes, and that I had no doubt of his being the person that I saw in the tavern. I was then asked to mention the conversation that took place in the box upon that occasion; and that I was very frequently interrupted by the grand jury when I mentioned the name of Mr. Forbes.

In what manner?—"You are not to mention any thing you do not know of your own knowledge."

Did you observe whether the grand jury took any part in it?—He seemed to take no active part of any of them.

twice, not to mention the name of any person that I did not know of my own knowledge. He put the questions; he asked me occasionally what was said in the tavern; what I had seen there; and when I happened to mention the name of Forbes, because I did not know him the night I saw him in the tavern, I was told not to say any thing at all about him.

At that time, did any other of the grand jury interpose?—There was a gentleman who sat on my left desired that I should be heard; for two or three were putting questions at the same time to me; I was mentioning something, and was interrupted.

Upon that gentleman on your left hand desiring you should be heard, what was said?—I proceeded then with my examination.

Was there any further interruption?—I do not think there was; I very shortly afterwards left the room. When I had finished what I had to say, I was told of course that they had done with me.

By Colonel *Barry*.—Were not you suffered to state every fact that came within your knowledge that happened at that tavern?—I think I was, except as to the name of Forbes. From the interruptions, I did not feel myself easy in the room; but certainly I did at the time mention every thing that occurred to me, and was allowed to do so.

By Mr. *Plunkett*.—Did the jury receive this evidence of yours as against a person of the name of Forbes, or against a person unknown?—I cannot say.

Was the bill ignored against Forbes?—I have heard it was.

After some further questions of an unimportant nature, the witness was ordered to withdraw. The House resumed, and the chairman obtained leave to sit again.

## HOUSE OF COMMONS.

*Wednesday, May 7.*

SALE OF GAME BILL—PETITION OF MR. COBBETT AGAINST IT.] Mr. *Brougham* rose, he said, to present a petition from a writer of eminent talents, respecting the Game Laws, which contained statements, as he thought, deserving the gravest consideration of the House. It was signed “W. Cobbett,” and it prayed, that as there was a motion for bringing in a bill for the alteration of the Game Laws, the House would be graciously pleased to pause before passing an act which, as the petitioner had been informed, was likely to go to legalize the sale of game by lords of manors, and other privileged persons to be designated in the act. It prayed that the House would weigh well and consider the state of the laws, and the severe hardships

which were inflicted on the community at present by their operation, which were greater than ever was known in any other country, or at any other period in this country; and that the House might the better judge, the petitioner offered to their consideration the following most alarming facts. The calendar for the ensuing quarter sessions in the county of Berks, contained the names of 77 persons now in Bridewell. Of these 22 were for poaching; and of these 22, there had been 9 committed by clergymen acting as magistrates in that county. The petition stated further, that, in general, poaching was punished with greater severity than offences punishable with death. In one sessions, an utterer of false silver coin had been punished with 12 months’ imprisonment, a housebreaker with 24 months’ imprisonment, and a poacher with 24 months’ imprisonment and hard labour. Such were the statements of the petition, for which he did not pledge his own responsibility; but yet he thought that they demanded serious consideration, and the case was altogether grave enough without any aggravation. The petition went on to state, that of 16 persons condemned to death at the assizes at Winchester, in the Spring of last year, the only persons who suffered death were two young men who had resisted game-keepers. The petitioner therefore prayed the House to consider well before they passed the bill into a law, which was to give a property in wild animals to the lords of manors and others, which could only be done by oppressions, great in suffering and humiliation to the people at large, and by compelling the country to submit to grievances for the protection of this new property, which, in regard to the power of those who made the laws, and the abjectness of those who were called on to obey them, would be without any parallel in any country westward of Constantinople. These were the remarks and statements of a man of sufficient powers of observation and understanding to make them worthy of attention. And certainly, of all men in the world, Mr. Cobbett was not one likely to treat with leniency this offence of poaching, which took men from their lawful industry, and caused them to waste their time and destroy their morals in forbidden courses; for, as he (Mr. B) had been given by others to understand, no one act, among all those most objectionable laws upon the subject contained

in the Statute-book, had half, no, not the hundredth part of the efficacy in deterring men from poaching. This he felt to be due to a man for whom, in other respects, he could not be supposed to have the most friendly feeling.

Lord *Palmerston* said, that the two young men in question were executed, not for poaching, but for murder. One of them had killed a game-keeper who was in the lawful exercise of his duty, the other had levelled his piece at another game-keeper, who received the contents in his body, but from proper treatment recovered. He was able to speak with certainty upon the characters of the young men, as they were servants of his, and he must say a more cruel and deliberate outrage had never been committed.

Mr. *Brougham* said, that he did not deny the statement of the noble lord, and yet it would rather go to support the reasoning of Mr. Cobbett. It was not even necessary for him to palliate the offences of the two young men: for the question was, how came they to kill the game-keepers? and then the answer might be, in consequence of the state of the law. That was the very argument he had used before the court on the trial of 21 persons the other day, charged with murder on the high seas, and it prevailed, too, with the jury: for the men were killed in consequence of that most abominable law, which enabled revenue cruisers to fire shotted guns upon the ships of any nation within two leagues of the British coast.

Mr. *Benett*, of Wilts, admitted that the two young men had suffered death very properly in Hampshire. Still he thought that the state of the law demanded reformation. Most of the offences of the country might be considered as results from the severity of the game-laws. Offenders were gradually trained from poaching to shop-lifting, and then to house-breaking, and occasionally murder.

Sir *T. Baring* corroborated the statements in Mr. Cobbett's petition. Half the offenders in Hampshire were committed for poaching.

The petition was ordered to be printed. The following is a copy thereof:

To the honourable the Commons of Great Britain and Ireland, in parliament assembled. "The Petition of William Cobbett, of Kensington, in the County of Middlesex, Most humbly sheweth,

"That wild animals are, according to the law of nature and the common law of

England, the property of him, or poor, who is able to catch or that, nevertheless, laws have been made in this kingdom to appropriate to the exclusive use of a few persons your petitioner has been informed that certain persons intend to apply to your honourable House to pass a bill which would make this appropriation more exact and unjust than it now is, by the selling of the animals after the killing, by confining the right of selling to a few persons who now claim a monopoly of the sport of killing animals:

"That your petitioner has been informed that before him the quarter sessions of this present month of April in the county of Berks; that he finds 77 prisoners in the Bridewell county; that he finds 22 of them imprisoned for poaching, and that they have been committed by the Court of the Church of England, against the statutes of the peace; that he finds in the calendar, that poaching is, in some cases, punished with more severity than that he finds an utterer of false coin punished by twelve months imprisonment and a house-breaker punished by twelve months; and that he finds a thief punished with 24 months imprisonment and hard labour:

"That your petitioner thinks that it is a gross and outrageous injustice, that the rest of the community should be taxed to build and repair prisons and maintain gaols for the prisoners, and also the wives and children of so many prisoners, and all the expenses of preserving of those wild animals, which is a crime in nine hundred and ninety-nine out of every thousand of the community to pursue, or to have in session; and he, therefore, prays your honourable House, if you think proper to continue the present laws in force, will be pleased that those who prosecute poachers should pay all the expenses attending imprisonment, or other punishment, and also all the expenses attending the support of wives and children, which is chargeable by such punishment:

"That your petitioner, looking to the above-mentioned scale of punishment, and bearing in mind, that, of 100 persons condemned to death at the assizes at Chester, in the Spring of last year, only 10 persons actually put to death, and that many young men, who had resis-



keepers; that your petitioner, looking at these things, prays that your honourable House will repeal those terrible laws relating to the game, which were never known in England till the reign of the late king, and that, at any rate, you will not make game saleable without, at the same time, making those who are to have the exclusive profit, pay the expense of punishing poachers and also the expense of keeping their pauper families; for, though it seemed that nothing could add to the injustice of compelling men to feed wild animals and to pay for preserving them for the exclusive sport of others, yet that injustice would assuredly be rendered more odious by the proposed measure for giving the few a monopoly of the sale of those animals, which, to the insolence of feudal pride, would add the meanness of the huckster's shop. Great has been the suffering, great the humiliation to which the people, in different countries, have, at times, been reduced by aristocratic power; but to compel the mass of the community to pay for the preserving of wild animals, to punish them if they attempt to pursue, or touch those animals, and to enable the aristocracy to sell those animals, to have the exclusive sale of them, and exclusively to pocket the proceeds, though the animals have been reared at the expense of the whole community, is, as your petitioner believes, a stretch of power on the one hand, and a state of abjectness on the other, wholly without a parallel in the annals of any country westward of Constantinople.

WM. COBBETT.

**SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.]** The House having again resolved itself into a Committee on the conduct of the Sheriff of Dublin, sir R. Heron in the chair,

*Henry Cooper, esq.* was called in; and further examined

By *Mr. J. Williams*.—Did Mr. Sheriff Thorpe interfere in preventing Mr. Poole being put upon the panel?—On communication with Mr. Thorpe, we agreed that he should not be on the panel; I had no objection to Mr. Poole's being on the panel, but in consequence of his calling on me; I rather think, had he not called on me, he should have remained on the panel.

Did not sheriff Thorpe object to Mr. Poole on the ground of his political opinions?—I cannot be certain.

Do not you believe, that Mr. Sheriff Thorpe objected to Mr. Poole, on the score of his po-

litical opinions?—I know they differ in principle; but I rather think he did not communicate that to me; at the same time I cannot say positively.

Upon your examination the other night being closed, did you not see Mr. O'Reilly, the witness?—I did.

Do you now mean positively to say, that Mr. Sheriff Thorpe did not make objection to the political opinions of Mr. Poole?—I do not mean positively to say it, but I rather think he did not, in consequence, that from the circumstances that occurred, he and I were not of the same feelings in politics.

Did you and Mr. Sheriff Thorpe concur, at last, in forming the panel from which this grand jury was struck?—We did.

You have mentioned, that the panel, when it was presented to you first, was in the hand writing of Mr. Sheriff Thorpe?—I think it was.

Was Mr. Poole's name upon the panel when it was first shown to you?—It was.

You have stated that you cannot take upon yourself positively to say, at whose suggestion it was that his name was put off the panel?—It was mutually.

You mentioned on a former evening, that the reason of Mr. Poole's being struck off was, his having made the application?—To me; if he had not made the application, I think I would have insisted on his being on.

What do you mean by your insisting on his being on?—In consequence of his standing in a similar situation with those who were on, being one of the members of the commons of the city of Dublin.

Do you mean, you would have insisted on his being on, against Mr. Thorpe's attempt to put him off?—I think I would, for I have known Mr. Poole a long time.

What was the nature of Mr. Poole's application to you; was it in the way of complaint or of application?—I think he came to me, to require me to speak to Mr. Sheriff Thorpe, to have him put on the panel.

Did he make any complaint with respect to any breach of promise in Mr. Sheriff Thorpe?—I do not think he did.

By *Mr. Plunkett*.—Are you positive whether, when Mr. Poole first came to you upon the subject of being on the jury, he did not make a complaint of Mr. Sheriff Thorpe having broken his word in having put him off?—I think I can go the length of saying, that he did not complain; the first complaint I heard was in the court, that Sheriff Thorpe (when the panel was struck) and Poole had some words in consequence of his not being on.

Do you not believe, that Mr. Poole had long before that, applied to Mr. Sheriff Thorpe, for the purpose of being on the panel?—I do, from conversations I have heard since, but not at that time.

And that he had promised him?—Yes.

Was that before Mr. Poole came to make his application to you?—Not before that, I did not hear.

Do not you believe the fact to be, that before he came to make the application to you, he had been promised by Mr. Sheriff Thorpe, that he should be upon the panel?—I declare I cannot form a belief of it.

From what you now know, and have heard, do you not believe that an early promise had been made by Mr. Sheriff Thorpe to Mr. Poole, that he should be upon the panel, long before the conversation with you?—I do believe, from the conversation I have heard since, that he had been.

The return of the panel was in the hands of Mr. Sheriff Thorpe?—It was.

Why did Mr. Poole come to you, he having already had a promise from Mr. Sheriff Thorpe, to be upon the panel; why did he apply to you to put him upon the panel?—I cannot say.

Do you not believe that it was because he had heard, that Mr. Sheriff Thorpe had changed his mind as to putting him upon the panel?—I think it may be so.

From what you have since heard, do you believe that Sheriff Thorpe had changed his intention of keeping Mr. Poole's name upon the panel, before Mr. Poole made the application to you?—I do.

If sheriff Thorpe had changed his intention, as to keeping Mr. Poole's name upon the panel, before Mr. Poole applied to you, how could Mr. Poole's applying to you be the cause of Mr. Sheriff Thorpe's putting his name off the panel?—This was the preparatory list, prepared for the record panel, and on reading that over, when we came to Poole's name, a conversation took place, as I have mentioned before, and I stated that he had called upon me, and under those circumstances I thought his name ought to be omitted.

By Mr. *Leycester*.—Do you know how many "conciliation-men" were upon that panel?—I know there were some very moderate minded men upon it.

Do you think there were five?—I do.

Were those five within the first 27 of that panel, or any of them?—If I had the panel I could state; but there were certainly more than that, to my knowledge, upon the panel.

*George Harris* called in; and examined

By Mr. *J. Williams*.—To what regiment do you belong?—The 7th hussars; troop-serjeant major.

Were you not examined before the grand jury, after the alleged riot in the Dublin theatre?—I was.

Who examined you?—Four or five of the jury.

In what manner was the examination conducted by the grand jury?—Not very courteously; indeed it was not.

Explain to the committee what you mean by the words "not very courteously"?—They were very careful to remind me that I was speaking upon my oath; and after I had answered a question, it was repeated to me, and that in a significant and fretful manner; and

when I was asked, how I could be a person I had seen in one gall other; one of the jurors replied to think you could know the person who threw the missile." I was sworn to as having thrown the missile.

Had you, at the time, positive knowledge of the person?—I had the greatest confidence; I spoke of the person who threw it; one of the jurors said, "I do not believe that you knew who threw the missile."

When you retired from the room, did you make any comment to the persons in the neighbourhood, to bystanders, on the manner in which you had been treated?—There were several gentlemen standing in the jury room door, and were inquiring of the witnesses, as they came out, how they had been received by the jury; I said, I had been used very badly; I had heard several of the other witnesses had been used in a similar kind of manner.

By Colonel *Barry*.—Was it the manner in which you objected to?—Yes, the manner rude in which I was treated.

Did they seem to discredit you?—Perfectly so.

*Philip Burke Ryan* called in; and examined

By Mr. *J. Williams*.—What is your name?—An officer of excise at Dublin.

Were you examined by the grand jury on the subject of the riot at the theatre?—I was examined as to a few questions by the foreman; and then by one or two of the jurors immediately after him; and in the course of a few minutes, I was asked one question after another, and before I had time to give an answer, or three more started fresh questions for the express purpose, as I thought, of shaking my testimony, from the manner in which they proceeded towards me, after one of them asked me my expectations, if I was counselled, or what my expectations or motives were in coming forward to give my testimony.

Did you make any complaint of the manner in which you had been treated to the foreman; I was called upon to sit, next to the foreman, and in the course of being annoyed so much by two of the jurors, I immediately returned to the foreman and told him, it was impossible for me to give direct answers to the questions, or to be able to recollect the questions to me, from the manner in which they were asked; I told them, when they were asked, that I was equally sworn as they were, and that I took a solemn oath in the court to tell the truth, and had no other motive for coming forward, than to be heard distinctly.

Was that after the question had been asked in the manner you have described, that you had not an opportunity of giving a full and distinct answer?—Yes, it was.



Were you stating evidence as to the persons of any of the men that were charged by the indictment?—Yes, I was stating the particulars of the circumstance, and the description of the person who threw the rattle; because I was asked by one of the grand jurors, were not there two Grahams there; did not one of them wear glasses, and which of them it was that threw the rattle; I said, that the one who threw the rattle did not wear spectacles, and that he was a low-sized, sallow-looking young man. One of the jury asked me, could I be mistaken in the person of the man, and I said it was impossible; he said, I think you have admitted you might have been mistaken, for I have such language on my notes; and I told the foreman of the grand jury I had used no such language; the notes were referred to, and there was no such language to be found. At the first commencement I was very civilly treated, but at the latter end I was not; for immediately after coming out of the door, I mentioned the conduct of the grand jurors to me, to a number of people standing outside the door, strangers.

Did you hear any other complaints by other persons?—Some of the persons who came out grumbled in a similar manner; but I do not recollect what were the words they said.

At the time you complained to the foreman, that you could not, in that manner of examination, fairly give your testimony, were you enabled fairly to state what you had to state?—No; for some of them looked upon me with contempt, and laughed; and from the manner in which the questions were put to me, I could very badly answer them, one at one end of the table, and another at another part of the table; I was talking to three jurymen at one and the same time.

By Colonel *Barry*.—It was you identified George Graham?—Yes.

You are positively certain as to his identity?—Oh, yes; if I saw the man I would know him again, equally the same as I did that night, or in the court of King's-bench.

By Sir *J. Stewart*.—You said, that somebody took notes for the grand jury?—One of the grand jury themselves; a man of the name of Joseph Henry Moore was the man who made use of the word I have just stated, that I might have been mistaken, that that was the word I made use of.

It ended in your telling the grand jury the whole of your evidence?—Yes.

You were examined before the petit-jury?—I was, in the court of King's-bench.

You gave the same testimony before the petit jury, as you had given before the grand jury?—To all intents and purposes I did.

And you swore to the same man?—I did, to George Graham, as the person who threw the rattle.

That man was not convicted?—At the time I appeared before the grand jury, the bills of indictment were found against him and against another; and at the time I appeared in the court of King's-bench, he was not convicted;

and I gave, to all intents and purposes, the same testimony before both juries.

Was not there a bill of indictment found against him and another man for the riot?—Yes.

But he was not found guilty before the petit jury?—No, he was not.

The grand jury found a bill for the riot against that man whom you identified, and the petit jury did not find the man guilty on the same testimony?—Yes.

By Mr. *Brownlow*.—Did you see Graham on the night of the play-house riot?—I did.

Where did you sit?—On the fourth or fifth seat of the middle gallery, and he was sitting on the front seat of the upper gallery, at the time I recognized him, with the rattle in his hand. I saw him with it before he broke it, winding it in his hand, striking it against the gallery, and I saw him stand up and look into the middle of the gallery, and throw a large piece of the rattle, which struck the cushion or edge of the seat adjoining the box in which the lord-lieutenant was sitting; and I called out to a person to have him taken into custody, which he did not do.

What sized instrument was this that he threw?—It was not to say a very large size, but it was weightier than timber of another description; I saw it in the court of King's-bench.

Was it as large as that little book there?—[six inches by three]—It was a solid piece. It appeared to me a good deal larger, for it went round here, and scooped for the handle of the rattle to fit to it.

Was it such a weapon as a man would have attempted the lord-lieutenant's life with?—From the size and weight of it, and from the place in which it was, and from the velocity of it, I have no hesitation in saying, that if it had hit him, it would have killed him; it could not weigh less than two pounds, the wood being of a weightier description than wood in general; it may have weighed that.

Did you weigh it?—No; but I saw it on the stage, and saw it produced in the court of King's-bench; for the man who took it up produced it as the piece of timber he found there.

The piece of timber?—It is a piece of timber in itself, though called a rattle.

Mr. *Terence O'Reilly* again called in; and examined

By Mr. *S. Rice*.—Have you had any conversation with Mr. Sheriff Cooper, on the subject of the attendance of Mr. Poole on the grand jury?—I went into sheriff Cooper's yard; and upon one occasion I saw Mr. Poole. Mr. Cooper mentioned to me that he was seeking to be on the grand jury; that he conceived it indiscreet for him to do so; I then suggested that he was as respectable a man as probably any one of the grand jury, and what injury could it do to have him on it, or words to that effect. Mr. Cooper replied, that he could not interfere with sheriff Thorpe; it was his quarter, and that he could not interfere with him. It

is right for me to say, that I mentioned that conversation to Mr. Cooper last night, as it being my impression of what occurred then; he contradicted that part of it which related to sheriff Thorpe's having refused to put Mr. Poole upon the jury; and he said it was he, Mr. Cooper, had objected to him, in consequence of the application to be put on; my recollection, however, previous to that denial, was as I have stated.

Did Mr. Sheriff Cooper make any observations to you last night, with regard to the evidence he was about to give to this House?—I told him the evidence I would give, was what I had at first mentioned; and the only thing that makes me alter my mind with respect to it, is the conversation of last night; and the impression that sheriff Cooper may probably have a better recollection of the facts, being more interested in the event than I was.

Did Mr. Sheriff Cooper address himself to you, did he begin the conversation?—No, I went to him, and told him my impression of the conversation which had previously occurred; and he said it was true, with respect to every thing, save that of his referring it to sheriff Thorpe; that it was his wish to keep him off the jury in consequence of his application.

Is your impression, independently of that conversation, such as you have stated?—Yes, independently of that conversation, it is quite clear as to what I at first stated.

*Christopher Moran* called in; and examined

By Mr. *Nolan*.—What is your situation in life?—I am a painter at Dublin.

Were you before the grand jury in January last?—I was, for five or six minutes. They asked me if I saw the stick or the bottle thrown; and I said I did not. I was describing the riot to them, and they did not seem to think any thing about it, and they told me that would do. They asked me the persons that I saw rioting. They asked me a good many questions.

When they asked you, whether there were any persons whom you saw rioting, what did you tell them?—I told them I did.

Did they ask you any thing more, or send you away?—I was describing how one of the rioters was taken; and some of the grand jury told me, that would do and showed me out.

Did they take an account of what you said, or did they send you out without it?—I believe they did; they took an account of what I said.

What account did you give them?—I described the persons I saw rioting and what they said.

What did they say upon that?—I heard them calling out, "no papist lord lieutenant."

Were you going to give them a further description of what had taken place?—I was; and they seemed to laugh and think little of it.

And they prevented you, and stopped you from going forward?—Some of them told me, that would do.

Did you tell the whole of your story, by stating, "that would do," from telling it; and then show you tended to have described how one was taken.

Did they prevent you from telling them that would do, and sent them out? They did; I understood so, by telling them that would do, that would do: a gentleman showed me out.

By Col. *Barry*.—Was it late in the evening you were examined; had many witnesses examined before you?—I do not know.

Do not you think it very probable that you had heard the story you were going to tell them, from many witnesses before you, so that you had no doubt that they had.

By Sir J. *Schricht*.—You were going to tell them that would do, they interrupted you?—Indeed I did, by telling me that would do.

Had you told them all that you were going to tell upon your oath, before they told you to stop?—I was going to describe how the rioters were taken, for it was I described it as a peace officer.

And they would not hear you?—They told me that would do; they sent me out.

By Mr. S. *Rice*.—Did you tell them the whole story; all that you wanted to tell them?—I did not; I wanted to tell the person who was taken.

Was it what they said to you prevented you?—It was.

Do you conceive it was late in the evening the man was taken; you told them that?—Yes, I did.

It was against Matthew Hanrahan that they were about to tell this story?—Yes.

You say you pointed out to them a man that he was to apprehend?—I pointed him out to search him; he had got under his coat.

Did you state to the grand jury your reason for so pointing him out as a peace officer?—I do not recollect stating that to the grand jury.

Should you have stated it had laughed at you, and treated you in the manner you have described?—Yes.

Did you tell the grand jury what the man did, which induced you to point him out?—Yes, I did.

Did you tell the grand jury what you pointed him out to the peace officer?—I did; but I did not tell them it was a riot; I pointed him out.

Why did you not tell them that you were about to describe that, when they told you that would do.

Did you see any other person at the riot, and would you have informed the grand jury if they had not laughed at you, and said that was a riot?—I would; I saw the person throw the theatre, but I did not see him riot; he was the person.

You were prevented giving evidence as to a person you would have given evidence about, if they had not prevented you?—From the way in which I was used.

Who was that person?—A person of the name of Graham.

That was the man who had the rattle?—Yes.

Were not the bills found against that man for the riot?—I believe they were.

Did the grand jury begin asking you any questions, or did they merely desire you to tell your story?—They asked me questions.

What questions did they ask you?—They asked me if I saw the bottle thrown.

What did you say to that?—I told them I did not.

Did they ask you any other questions?—They asked me, did I see the sticks thrown.

What did you say?—I told them, I did not see them thrown.

Did any of the grand jury ask you any other question?—I believe they did.

What was it?—They asked me, if I knew any of the persons who were rioting; I told them that I did. I described their persons and their names.

What person did you describe?—Matthew Handwich and Henry Handwich, the two persons I could name.

What did they do upon that, did they ask you more questions, or tell you that would do, and send you out of the room?—They asked me what I saw them doing; I told them I heard a hiss and a groan.

What did they do upon that, did they desire you to withdraw?—They did, when I was about to describe the manner in which the man was taken. [The witness withdrew.]

It was here understood that the case against the Sheriff was closed, but with this reservation, that it would be open to any member, in a future stage of the investigation, to call for any information he might think proper.

Colonel *Barry* remarked, that in producing witnesses on the part of the sheriff, he laboured under this difficulty, that the examination had been hitherto conducted by the principal learned gentlemen in the committee, whilst almost the whole weight of the cross-examination had rested upon himself. He hoped, therefore, for much indulgence in the performance of the duty which had devolved upon him.

Mr. *Nicholas Murray Mansfield* called in; and examined

By Colonel *Barry*.—What is your situation in Dublin?—I am the chief and only clerk in the Sheriff's office.

Do you know how the grand jury panel of January 1823 was made out?—It was made out in the first instance by sheriff Thorpe's writing a list of names, and afterwards

submitting it for the approbation of his brother sheriff Cooper and his sub-sheriff Mr. Whistler.

Were the names that were on it those of men of respectability?—Perfectly so.

From the character of those men who were upon that grand jury, do you, or do you not, think they were well calculated for doing business between the crown and the person to be tried on the subject at issue?—I certainly do.

Did you ever hear either of the sheriffs express an opinion that men of what are called warm politics should not be on the panel?—I did; both sheriff Thorpe and Mr. Cooper. I conceive the majority of that jury to have been moderate men.

At what time was it that Mr. Sheriff Thorpe told you he wished no violent party man to be on the panel?—Before he submitted the panel to his brother sheriff Cooper or to Mr. Whistler.

Was it before the names were put down upon that panel that Mr. Sheriff Thorpe said he wished to have no party men upon that panel?—No, it was after. I did not know who were ultimately adopted, till it was inspected by Mr. Sheriff Cooper and Mr. Whistler. Mr. Sheriff Thorpe submitted it to me, and asked me whether I knew any of the men to be violent party men; I read over the names, and said I did not know any of them to be such.

By Mr. *Jones*.—Were you acquainted intimately with any of the individuals who were upon that panel?—Certainly I was.

They consisted of a much smaller number than was usual on panels of the grand jury?—They did.

There was a very unusual circumstance attending it, the ex-sheriff was not the foreman of that jury?—He ought not of right, agreeably to my conception, to be so.

But according to usage he always had been the foreman of that jury?—He could not have been, the sheriff that ought to have been the foreman was sir Thomas Weyland, he was in England and unwell.

But one or other of the ex-sheriffs had always by custom been the foreman of the first grand jury after they went out of office?—Not always; they were always solicited to take the situation, but they sometimes declined doing so.

You know that sir W. Smith, who was the ex-sheriff, was what was called a conciliation-man?—I never heard him called so. I really do not know what the term means. I have heard it applied to some that I really do not apprehend to be so; I never heard it applied to sir W. Smith.

Was not the term conciliation-man, in the city of Dublin, applied to those persons who abided, or professed to abide by the dicta of his majesty's letter?—I have no doubt it was applied to those who professed to abide by it.

Do you not know that sir W. Smith was one of the persons who professed to abide by the dicta of the king's letter?—I do believe sir W. Smith did.

Then was not sir W. Smith a conciliation-man?—By inference, he must have been.

Sir Thomas Weyland was sheriff in 1822, was he?—He was,

Who was the other sheriff?—Sir W. Smith.

In what way was the last panel of that year for the commission grand jury formed?—From the best of my recollection it was formed by myself.

You selected the names and submitted them to the sheriff?—Yes.

Was that the case with all the panels of that year?—Certainly not.

The last panel but one, the commission before the last, who formed that?—To the best of my recollection I did; it was formed in a like manner with the rest.

How was the panel for the commission before that formed?—I think about three or four of them might have been so formed, and about three or four of them by the high sheriffs themselves. I have a most positive and distinct recollection of sir W. Smith himself having formed a grand jury panel during his year of office.

Can you state what was the course of forming the panels in the year 1821?—When there was any extraordinary question to be tried, the high sheriffs took upon themselves to strike the grand panels; when nothing but the ordinary or common routine business was to be transacted, it was left to the sub-sheriff, and it very frequently in that case devolved upon me to do it.

Who were the sheriffs in the year 1821?—Sir G. Whitford, and sir N. W. Brady.

Can you state any instance in 1821 in which the panels were formed by either of those gentlemen personally?—No, I cannot; but my recollection is, that when an extraordinary occasion occurred they struck, when it was the ordinary routine business, it was left to the under sheriff.

Can you state any instances within your official duty in which you recollect that to have occurred, and from that remembrance derive that impression except the one you have stated?—No, I have no present recollection to fasten the thing on my mind.

Take a little time to recollect whether there was any other instance except that you have mentioned?—The only circumstance which can fasten it upon my recollection is, that I am aware it was usual on the approach of the commissions, either for the sub-sheriff to speak to the high sheriff or to write him, informing him that the commission was approaching, and that it would become necessary to strike the juries; the line afterwards to be pursued depended on the answer of the high sheriff; he sometimes did it himself, and at other times said "There is nothing particular to be done, you may as well assist me by doing it."

The general course was for the sub to do it?—I think the general course unless something particular was to be done.

Your impression that when any thing particular was to be done it was done by the sheriff, was in consequence of particular instances?—I think the general course there was nothing particular to be done, high sheriff to say "Will you do this for me?"

The impression of its having been only in particular cases must have arisen from special circumstances arising within your knowledge?—Yes.

Can you state any other instances of sheriffs themselves striking the panels except that of sir W. Smith and this instance of Mr. Sheriff Thorpe?—I charge my memory with how the thing was done, but I am quite certain there never was a sheriff in the office that did not strike one grand jury.

But except in those two instances you recollect no other?—No; nor would I have prepared to state those two instances, from conversations I have had on the subject of the present proceedings.

By Mr. Plunkett.—You have stated that you consider that panel of the grand jury of January 1823 was returned in the usual ordinary manner?—I have.

In every respect?—I think so.

And consisting of persons who were proper and impartial for the trial of the case that was expected on?—I believe so.

It was your express wish and the instruction of Mr. Sheriff Thorpe that no person of party feelings should be returned upon the panel. No, not his instructions; he submitted the names and asked me to look at it, and request advice as to those persons.

As to whether they were persons of party feelings?—Yes, and I said I thought they were not.

Was not the trial that was expected that involved a good deal of consideration with respect to the dressing of the king William?—Yes, I think it was.

There had been pretty strong opinion expressed upon that subject by certain persons in the city of Dublin?—A great many.

Do you not believe that an election of common-council-men took place some time in the month of November preceding the commission?—I know it did.

Do you not believe that a new election of corporators to the amount of 96 took place at that time?—I do know it.

Do you not believe that considerable exertions were made by a certain party in the corporation, to have persons returned who were favourable to the dressing of the statue of the king?—Some of the guilds there was. By the guild of merchants particularly; but I think the principal object of the political party of the guild of merchants, was the election of an individual who had been rejected from the brewers' corporation; a Mr. Sutter.



What was the reason of his being rejected from the brewers' corporation?—I believe, that the great reason of the effort being made in the guild of merchants was, that he had exerted himself very much on the dressing of the statue, and that his whole claim to the favour of the guild of merchants was founded upon that circumstance.

Do you not believe, that a list was circulated of 31 persons, who were represented as fit to be elected as common-council-men for the guild of merchants, as being good men in bad times?—I know there were several lists.

Will you have the goodness to look at that paper? [the hand-bill produced on a former evening being shown to the witness]—This is one of the lists.

Do you consider that the 31 persons who are named in that list were recommended upon the ground of their being favourable to the dressing of the statue?—No, I do not believe that.

Will you look at the device at the top of that list?—I do.

It is the figure of king William treading on the emblem of the lord mayor?—It is.

Was not the offence, that the lord mayor of Dublin had given at that time his having given directions for preventing the dressing of the statue?—I believe it was.

What were the "bad times" designated in that paper; do you believe they were times in which the dressing of the statue was prevented?—I believe it refers to the dressing of the statue.

You believe the object was, to obtain 31 men of the like description with Mr. Sutter?—I have no doubt the party who made out this list would have returned 31 men of the description of Mr. Sutter, in preference to any other description of men, if they could have got 31 such.

You are not of opinion that 31 such as Mr. Sutter could have been got?—No, I think they could not.

Do you not find that out of the guild of merchants alone, seven of the persons who are named in that list were returned upon the panel, and sworn upon the grand jury?—I perceive there are seven of the persons in this list that were on the grand jury.

And that were elected of the guild of merchants upon that occasion?—Yes.

You have said that the jury was formed of persons dispassionate, not of warm feelings, and who were perfectly fit for the trial that was coming on?—I have said so.

Do you think those persons were of that description?—I do think so.

And it is upon the same principle you say that the jury generally were?—Certainly. I say the circumstance of their being in this list does not mark the tenor of their politics. I am of opinion the persons who made this list would not have put them there if they could have got better men for their purposes.

Will you have the goodness to say whether

you consider a sworn Orangeman a proper and fit person to be put upon the panel of that grand jury, for the purpose of the then expected trial?—I do not conceive he was.

Do you see upon the list of the grand jury a person of the name of Joseph Lamprey?—I have seen it.

Do you not believe that he was a sworn Orangeman?—I have no reason to believe it.

Have you any ground then, to form an opinion whether he was a fit person to be on that grand jury?—I never heard he was an Orangeman, and therefore I think he was a proper person.

Do you see upon that list the name of Edward Cusack?—I do.

Do you believe that he is an Orangeman belonging to the lodge 1640?—I know he is, because he subsequently told me so himself.

Do you now think he was a proper person to be returned?—I am quite sure he would not have been returned, if he had been known to be an Orangeman; I would not have recommended him.

Do you believe that Samuel Lamprey is an Orangeman?—I do.

Do you consider him a proper person to be returned on that panel?—I certainly would not if I had known it at the time.

The usual practice in your office is to have fair and independent jurors returned for trial of all the issues which come before the court?—So far as I have known, it has always been so.

And was so upon the present occasion?—I really do believe the parties making out that jury, were actuated by the same pure motives their predecessors had been.

Do you mean to inform the Committee that the sworn grand jury on that occasion was constituted with a view to the administration of impartial justice with a view to the approaching trials?—So far as I know I say it was.

Were you applied to by any person to return particular names on that panel for any particular purpose?—I was. There was a list or paper containing some names given to me.

Did you make any answer to the person who proposed to you to return that list of names?—I did.

Did you promise they should be returned?—No, certainly not.

Did you say they should not?—My answer was, whatever can be done for your friend shall be done.

The uniform practice of the office being to return fair lists for the purpose of impartially trying the causes that were to come on?—So far as I know, it was.

For what particular trial was it that those names were suggested to you?—For the trial of a Mr. O'Meara, who was to be tried for perjury.

Did you feel a sentiment of indignation in your mind at such a proposal being made to you?—No; such proposals have been frequently made to me.

Were any of those names that were so proposed to you actually returned upon the panel?—That I cannot positively tell; I never read the names. The gentleman who made the application to me called me from the desk where I was transacting business, to a fire-place at some short distance from it; he said, "this is a list for my friend O'Meara, whom we have had some conversation about." I took the list from him, and said, "whatever can be done for your friend shall be done for him;" he walked out of the office; I walked towards the desk, and, as I had been in the habit of treating any application of that kind, I tore it, and never thought any more about it.

It is not in your power to state, whether the names so proposed were actually on the panel?—Quite impossible.

The House cannot, therefore, have the advantage of comparing the written list with the panel returned?—Certainly not; save that the House may have the means of coming to that information through the person who handed that list to me; a Mr. George Butler in the Six-clerks' office.

Do you know whether any bill was sent up against Mr. O'Meara on that commission?—I believe there was, and that it was ignored.

Do not you know that an application was made to the Court of King's-bench to grant an information against Mr. O'Meara for that conspiracy, on the ground of the grand jury having ignored that bill?—That I have heard only through the proceedings in this House.

Why did you give that kind of answer to Mr. Butler when he applied to you to return those names for a particular purpose?—Because I conceived it the shortest possible mode of getting rid of the application.

Do not you believe that it was an application to you to violate your sworn duty for a most fraudulent purpose?—Not my sworn duty, but a very sacred one.

Do you recollect the application being renewed to you?—I recollect the application afterwards.

Do you not believe, that the subsequent application was made to you by the same person for the same purpose?—Yes.

What did you say to the person when he renewed the application?—That it could not be effected, because sheriff Thorpe had taken the striking of the jury into his own hands; that answer was given precisely with the same view that the previous answer had been, namely, to get rid of the importunity.

Will you mention, why it was you tore that list, was it lest you should be tempted to read it?—No; the reason I tore it was, because I conceived it the mode in which every such document should be treated.

Do not you consider it would have been wiser to have preserved the document, to prevent any such persons from getting upon the jury?—I certainly did not; I thought I was doing my duty in getting rid of the application in the manner in which I did.

VOL. IX.

You conceived you were doing your duty first informing the party whatever could be done should be done; and then destroying the document by which the guilt of the party could have been proved?—The proving the guilt of the party never entered my mind; I could never think of turning round on Mr. Butler, whom I had known many years.

Do not you think a gross insult was offered to you by the application?—If the application had been made by a stranger, I should have considered it an insult.

A person who knew you well, did not give you so much offence in making it as a person who is a stranger?—Certainly, I think a man should not be so much displeased with his friend for making applications as he would be with a stranger.

Then you think the more a person knew of you, the more right he would have to make such an application to you, and would be entitled to expect a favourable reception from you?—I should give him civil treatment if a friend made such an application to me.

Did not you think it was your bounden duty to prosecute the person making that application for tampering with justice?—I do not see how by the prosecution of a friend the ends of justice could be answered.

You say that applications of that kind have been very frequently made. Will you explain, if they have been uniformly refused to be complied with why they have been so frequently made?—I cannot tell why they have been so frequently made, except that men are weak enough to think that their friends will do more for them than their friends are disposed to do.

Do you believe that any consideration of any kind was received by any one in the office, with respect to returning names upon that grand jury; will you take upon yourself to say there was not?—I positively do not believe any such thing.

By Colonel Barry.—Is not Mr. O'Meara a conciliation-man?—I understood Mr. O'Meara to be a Roman Catholic.

Is not he a man who is always supposed to be active in the Roman Catholic cause?—Yes.

Do you think the friend of a man active in the Roman Catholic cause would be likely to act in favour of persons whose crime was having acted against it?—I think if the friends of a man got upon a jury, they might go a great way to serve him.

Then if Mr. O'Meara's friends were put upon that jury, would they not in your opinion have defeated any intention, if such could have been entertained, of packing an Orange jury?—If the friends of Mr. O'Meara were of the same description of persons he himself was, I should think so, certainly.

By Sir J. Newport.—You said that the application to put those persons on the grand jury panel arose in consequence of previous conversations with the person who applied to you to put them upon it; what were those

H



previous conversations?—I recollect but one; Mr. Butler, some few days before, met me in the street, and told me some round varnished tale of a friend of his being in great distress on account of a transaction of sixteen years standing, and begged to know if I would do any thing for him in the way of putting any of his acquaintance upon the jury. I said “You know, my dear Butler, any thing I can do for you shall be done for you.”

In consequence of your having given these hopes to the person, that whatever could be done should be done, you had a subsequent application, and you conceive the manner of your answering upon those two occasions was the method best calculated to relieve yourself from any other application?—Yes, certainly.

You conceived that was the mode in which you could best discharge the duty of looking out a fair and impartial jury?—Certainly; there had not any other mode struck me at the time, but I now see it would have been the better mode to have preserved the list.

You are to be understood that it has been the practice more than once to make applications of a similar nature, with respect to putting persons on the panel, within your knowledge of the Sheriff's office?—Oh; certainly; I have been applied to more than once.

By friends?—By friends.

Not by strangers?—Of course no stranger would take the liberty.

A list contained in a hand-bill having been shown to you, you have stated that you have no doubt the person or persons who prepared that list would have selected exactly such men as Mr. Sutter, if they could have obtained them, but that they could not find 31 such names?—I did.

Have you any doubt that as they could not find exactly such names as Mr. Sutter, they would select men as like to Mr. Sutter as they could, in political opinions?—Assuredly.

You do not mean to say that 31 persons in Dublin could not be found of the same description as Mr. Sutter?—I do mean to say that 31 persons could not be found connected with the guild of merchants just like Mr. Sutter.

Mr. Sutter was not one of the grand jury panel?—He was not.

Who was the gentleman who spoke to you with respect to the names on the panel for trying the ex-officio informations?—Mr. Henry Archer, the ex-sub-sheriff.

When did that conversation take place?—About a week or a fortnight before the trials were to commence.

Will you repeat that which passed between you and him upon that occasion?—I think on Mr. H. Archer coming to the office, he asked me whether the sheriffs had commenced the striking of the jury panel, or whether they would take upon themselves so to do. I said, that I had known nothing about how the thing

was going on. He said, “What description of persons do you think should be on the panel?” My answer was, “respectable independent persons.” He said, he thought so too, and of mercantile men. I concurred. He then took paper, and made out the list from the grand panel of freeholders, and said, “Those are the descriptions of persons that I think ought to be on the jury for the ex-officio informations.”

What has become of that paper?—Mr. Archer went away; shortly afterwards Mr. Sheriff Thorpe arrived? he said “I suppose it is time for us to be thinking of making out the jury for the trial of the ex-officio informations.” I said “it is certainly time to be stirring about it.” He said “I suppose sheriff Cooper will return a good panel.” I said “here is a description of persons, certain persons would like;” sheriff Thorpe looked at the thing, smiled, and tore it.

By Mr. J. Martin.—You have been in the habit of making out the panels for the commission grand juries?—Sometimes. I have uniformly seen them.

What is the general number of which the panel consists?—They have certainly varied very much in their number on that point; there is correct information before the House from Mr. Riky. They run from 50 to 70, and from that to 100. The smallest number I recollect was that returned on the preceding commission by sheriff Thorpe; I think that was 63.

By Sir J. Newport.—Sheriff Thorpe consulted you and showed you the panel for the January commission?—He did.

Did it not strike you as extraordinary, that on a panel before which bills were to be brought for trials of the greatest consequence, the number should be much smaller than usual?—No, I would not have conceived that circumstance of any value whatever. The grand jury is so constituted, that it does not matter what the number was; the first 23 persons that answer to their names must be of the grand jury; no objection or challenge will lie; and therefore if there was an attendance of 23 secured, it is no matter what the number was.

Have you ever known the first 23 answer to their names?—No, I have not.

In general you would not think it sufficient to return a panel of 40 names only?—I certainly would not.

Do you think fifty would be sufficient in general?—No. When there is nothing but ordinary routine business, and that public feeling is not interested, 50 or sixty would not be sufficient; but when the public mind is occupied with the business to be done, 50 or sixty would be sufficient, for juries are generally anxious to attend on public occasions.

You have said that when you gave that paper of which you have spoken, into sheriff Thorpe's hands, you said, that was the list of

names which certain persons wished to be returned?—I did.

Who are certain persons?—Mr. Henry Archer, his father alderman Archer, and his friends.

Did you make Mr. Sheriff Thorpe understand who certain persons were?—No, I think I went no further than the mere communication, that this was the description of persons certain persons would like to have upon the jury.

What did sheriff Thorpe do upon that?—He took the list, smiled at it, and tore it. I laughingly handed the list to him, and he laughingly received it, and so disposed of it.

Did you read any part of the list?—I really did not; I have no recollection whether I read the list.

Do you or not believe that the persons in that list were afterwards put upon the jury?—I cannot form a clear opinion, for I have no recollection of any of the names.

Is Mr. Archer a conciliation-man?—As I now understand the term he unquestionably is.

Looking over the list of the grand jury of January 1823, and comparing it with the recollection of former grand juries, do you think that it is composed of individuals of the same class of society as those ordinarily returned to serve on grand juries?—I certainly do.

By Mr. S. Rice.—Are you acquainted with William Carpenter, whose name appears upon that grand jury?—I am. He is a builder; I understand that he has had, within the last two or three years, from government, some very extensive contracts, either by himself or in conjunction with others, for some of the works about the Custom-house, and that he is a common-council-man, which entitles him to serve on the grand jury.

Did W. Carpenter ever serve on any former grand jury?—O yes; I believe many.

Can you mention any one year?—No, I cannot; but I am positive he served on a great many quarter sessions grand juries.

By Mr. C. Calvert.—Do you know whether Mr. Sheriff Thorpe is an Orangeman or not?—No, indeed I would not know an Orangeman if I saw him. I never heard that he was; I have asked the question myself and never could find the truth.

Do you recollect the making out the panel when the king's visit was expected in Dublin?—I do.

Was not there great solicitation to be put upon that grand jury?—So I understood.

Cannot you say whether you made out that panel or not?—I think I did not; I think whichever sheriff's quarter it was at that time, made it up.

Did not the grand jury expect that they should have to go up with an address to the king, and be received personally?—I believe that was the ground of the anxiety to be put upon it.

By Mr. Nolan.—When Mr. Archer gave the list to you, do you apprehend he seriously

intended you should hand that to the sheriff?—I think he never intended should adopt it.

The first application that was made to put some persons on the panel on O'Meara's account, was by your friend Butler?—It was.

Was the second application made by Mr. Butler also?—It was.

How long after the first application did you think it might be about a week.

How long was that before the panel was sworn or summoned?—About a fortnight.

Was there any body by besides you and yourself?—No one. I said that Mr. Thorpe had taken upon himself to make out the panel, and therefore I could not object.

Did not you assign a reason why Mr. Thorpe had taken upon himself to make out the panel?—I did not.

Might not you have said such a thing, that sheriff Thorpe had taken upon himself to make out the panel on account of the rioters?—It is perfectly possible; but I have no recollection of having said that.

You say you destroyed the list given by Mr. Butler; how soon after it was given to you?—The distance I went to go to the place where I stood when he handed it to me to destroy it was not farther than from this to the table where I was sitting at that time.

You thought, of course, those persons were improper persons to be put upon the grand jury?—No, really I had no such thought.

Did not you think that any persons who were recommended by any gentleman for the purpose of throwing out a bill, were improper persons to be put upon the grand jury?—I think the putting them there would be an act; but I did not give myself any concern upon their propriety or impropriety.

Can you say whether those persons were sworn on the grand jury impanelled by the sheriffs?—I cannot.

Did not it strike you that it was very desirable to keep that, to prevent the persons being put upon the panel?—It did not occur to me; but I now think from the information put to me this evening, that it would have been a better mode.

Are you to be the sub-sheriff for the next year?—I really believe yes.

Mr. Samuel Lamprey is one of the elect?—Yes.

He is one of the gentlemen you have mentioned to be a sworn Orangeman?—As I have said, I do not know.

You are acquainted with the description of persons who are put upon the panel to be sworn grand jurors?—I am.

Have you ever known Roman Catholics upon that panel?—Certainly I have.

Were there any Roman Catholics upon the panel of fifty?—No, certainly not.

Did you know that there were any Roman Catholics upon it?—Certainly I did not.

tainly if I had, I would have advised the sheriff to have put them off.

What is Lamprey?—It has subsequently come to my knowledge that he is.

[The Witness was ordered to withdraw.]

Colonel *Barry* said, he now intended to call sir George Whiteford, the foreman of the grand jury. He knew that a grand juror was sworn not to disclose any thing which had come to his knowledge whilst in the execution of his duty, and he therefore would abstain from proposing any questions to the witness he was about to call, the answers to which would necessarily lead to a violation of his oath.

Mr. *Wetherell* protested against the principle laid down by the right hon. gentleman. The House of Commons had the power to absolve a grand juror from his oath of secrecy, and could compel him to answer any question that might be proposed to him.

Mr. *R. Smith* said, he recollected many cases in which grand jurymen had been compelled to give evidence. There could be no doubt as to the power of the House to make a grand juror answer all questions which he might be asked.

Mr. *Wetherell* said, the meaning of the oath was, that the grand jury should not voluntarily disclose the secrets of their room; but they were bound, and it was their duty, if ordered in a court of justice, or in that House, to disclose those secrets.

Mr. *Wynn* concurred entirely in the opinion which had been expressed by the two members who had last spoken; but at the same time, he hoped the question which had been raised would not be decided without receiving further consideration, and in a fuller House. His reason for wishing this was, because he knew that many persons of very high authority held different opinions on the subject. During the inquiry respecting the Walcheren expedition, sir David Dundas was examined as to something that had passed in council. Sir David did not object to answer the questions which were put to him; but Mr. Perceval stated, that he could not do so without a breach of his oath, unless he had previously obtained the consent of the king. The question was not decided, because on the following day the king authorized sir David to declare all that had passed in council.

Mr. *Bankes* thought that the House could compel a grand juror to give any information that might be considered necessary.

Mr. *Hurst* contended, that the oath of a grand juror was too strictly interpreted if it were supposed to restrain him from making known any thing which had come before him in the execution of his duty. It had frequently come under his own observation that grand jurymen, amongst whom a difference of opinion prevailed upon some point, had come into open court, and stated what had passed in the grand jury room, in order to obtain the opinion of the judge, as a rule for their conduct.

Colonel *Barry* observed, that grand jurymen had frequently given evidence of what had passed before them, in order to convict a witness of perjury.

Mr. *Goulburn* said, that an act of parliament had been passed expressly to allow grand jurors to give evidence in cases of perjury, "notwithstanding their oath of secrecy." If he were a grand juror, he would refuse, even at the call of the House, to state what had come to his knowledge whilst in the exercise of his functions. Some of the witnesses who were about to be examined at the bar might entertain similar feelings. The House would then, in justification to its own character, be called upon to punish men for what they conceived to be a conscientious adherence to their oaths. To avoid so unfortunate a circumstance, he would entreat hon. members to weigh well their questions.

Mr. *Abercromby* said, that the oaths which the grand jurymen took were intended for the benefit of the public. That being the case, why should they not be made subservient to the inquiry in which the House was engaged, which was also for the public benefit?

Mr. *Ricardo* thought it was preposterous to talk of the House absolving a man from a solemn obligation into which he had entered with his Maker.

Mr. *Bennet* was of opinion that justice could not be done unless the committee heard all that the grand jury could state.

Mr. *Sykes* said, the question was one of so delicate a nature, that it ought to be referred to the consideration of the whole House.

Mr. *Abercromby* suggested, that if it were thought necessary to refer to the decision of the House the question, whether or not a grand juror ought to be called upon to answer as to what passed in the jury room, and which he considered he was bound by his oath not to divulge, the best way would

be to have a grand juror called in; and if he made any objection to state what passed, on the ground of his oath of secrecy, then the question would be raised on which the chairman might call for the decision of the House.

Sir George Whiteford called in; and examined

By Colonel Barry.—You were foreman of the grand jury in January last?—I was.

You recollect the circumstances which passed upon the informations preferred against certain persons, for a riot in the theatre of Dublin, on the 14th of December, which were preferred before the grand jury, of which you were foreman?—I do; I cannot exactly state every particular; being foreman, I did not take notes from the witnesses, but the secretary did take notes of the evidence.

Are you an Orangeman?—I am not.

Are you a man who hold very strong party feelings with respect to the questions which agitate the city of Dublin at this present moment?—I never conceived I did; quite the contrary.

Are you a man, who think that it would be for the benefit of Ireland, that general conciliation should take place between all its inhabitants?—It was always my wish, that the inhabitants of Dublin should live in peace with each other.

In the investigation which took place before the grand jury, what portion of time was devoted to the bills before alluded to?—I think we got the bills about two o'clock; we remained until five; and I think from ten o'clock or eleven o'clock, until about three or four the following day, in close investigation.

How long was it previous to, or subsequent to the riot at the theatre, that sheriff Thorpe requested you to be foreman of that grand jury?—I think it was nearly three weeks previous to the row at the theatre.

From what passed on that grand jury, did fair investigation seem to be the object?—I never saw a set of gentlemen more anxious to discharge their duty than they seemed to be.

Did you see any symptom of party feeling breaking out, with regard to any particular witnesses who were examined?—I did not.

If you had seen it, would you have thought it your duty to have checked it, as foreman?—I would have done so.

Did you hear a report of any conversation, in which sheriff Thorpe was supposed to have stated, that he had an Orange jury in his pocket?—I did.

Did any thing pass between you and sheriff Thorpe, upon that subject?—There did.

State what it was?—Previous to the jury, I heard that a man of the name of M'Connell, went before the privy council, and made affidavit, that sheriff Thorpe said, "he had an Orange panel in his pocket, that would acquit the prisoners." I went to sheriff Thorpe, and asked him, did he say such a thing; if he did,

that he should get another foreman, that would not identify myself in any party feeling and he pledged his honour, that he never made use of such an expression; and in consequence I was induced to go on the jury.

By Mr. Greville.—You dined at sheriff Smith's dinner, did you not?—I did.

Did sheriff Smith give the toast, "the glorious and immortal memory?"—I rather think not.

Was that toast given by any person at the dinner?—I believe not.

You did not take out an Orange banner and give that toast?—I did not.

By Mr. S. Rice.—Having served the office of sheriff, you are of course a Protestant?—I am.

And you hold in veneration the memory of king William?—Yes.

There has been for a great number of years a custom of decorating the statue of king William?—I always saw it done.

There was a great diversity of opinion, as to a stop having been put to that ceremony?—There was.

You were one who thought that ceremony might as well not have been stopped?—Certainly, my feeling always was, that all kind of irritation should be avoided.

You thought that a wrong step had been taken by the authorities, in putting a stop to that ceremony?—I did not think it a judicious measure, in the way it was done.

You concurred, in blaming those that so stopped it?—I certainly thought it was not judicious.

Then you thought those persons who did so stop that ceremony, did act a part which they ought not to have acted?—I certainly expressed my feeling so far, that I thought it was a measure that was not calculated to create conciliation.

You expressed that feeling?—I am not quite sure, whether I expressed that feeling; but I certainly had that feeling on my mind.

Have you then any doubt in your mind, that in conversation with your friends and acquaintances, you did express feelings to that effect?—I dare say I did.

The riot which occurred at the theatre was occasioned by the irritation occasioned by the stopping that ceremony?—I should suppose so.

Can you state before this committee, that the slightest doubt exists in your mind, that that riot was created by that ceremony having been stopped?—I declare I cannot say; I should suppose it arose from the stopping of the dressing of the statue.

By Mr. Jones.—Were you one of those who expressed disapprobation against the authorities for stopping the decoration of the statue?—I never expressed any such thing.

Do you approve of measures that are not calculated to promote conciliation?—I approve of measures that are calculated to create conciliation.

Then you disapprove of measures that are



not calculated to create conciliation?—Certainly.

You did not express disapprobation with those who stopped the ceremony of decorating the statue of king William?—I do not think I did.

What did you express then?—I think I expressed myself so far as this, that it was not calculated to create conciliation.

Did you approve the stopping the ceremony of decorating the statue of king William?—The feeling I had on my own mind was this, that where the thing was sanctioned by the government for so many years, it was ill calculated to stop it in the kind of way it was attempted.

Did you disapprove of that measure?—So far as that.

Did not the riot that took place at the theatre originate from a disapprobation of the stopping that ceremony?—I declare I cannot say.

Was it not matter of notoriety, that it did take place from that circumstance?—I believe it was generally mentioned through town.

Do you belong to the Amicable Society in Dublin?—I do.

What are the principles of that society?—Loyalty and attachment to the king and constitution.

Are there not many persons belonging to Orange lodges, belong to that society?—I cannot answer that, for I am not an Orangeman myself.

Do you know any Catholics belonging to it?—No.

Is not the toast, "The pious and immortal memory," constantly drunk at their dinner?—Always.

Are you acquainted with the Handwiches?—No.

By Mr. *Abercromby*.—You were at Mr. Sheriff Thorpe's dinner?—I was.

There "The pious and immortal memory" was drank?—It was.

You joined of course?—Of course I did.

Do you think that is calculated to promote conciliation?—I cannot say.

Is it a toast calculated, under present circumstances, to allay irritation in Dublin?—I think, from the present feeling in Ireland, that it is not calculated.

By Mr. *Brougham*.—You were present at the dinner which sheriff Thorpe gave, on coming into office?—I was.

Were you present when the health of sheriff Thorpe was drank by the company?—I think I was.

Did you hear any part of that speech?—I do not think I did.

How far off were you from sheriff Thorpe at that time?—I was perhaps in the middle of the room at one of the side tables; it is an amazing large room.

Did you hear any persons, further off than yourself, applaud what sheriff Thorpe said?—It might be the case, but I cannot recollect.

Did sheriff Thorpe speak in a loud, or low tone of voice?—I did not hear him.

When sheriff Thorpe got up to speak, was there not silence in the room to hear him?—I should think there was.

Did you turn your ears towards him?—The room is so large, that if I paid ever so great attention, I do not think I should hear him from where I was.

Do you recollect the room, generally speaking, being attentive to sheriff Thorpe, when he made that speech?—I believe they were, but there is generally such a noise, and such a buzzing, that unless the person speaks very loud, he is not heard. When gentlemen get a little wine, they get sometimes a little out of order.

In what position did sheriff Thorpe speak, was he standing upon the floor or a chair?—If he spoke at all, he stood on the floor.

Have you any doubt whether he spoke?—I am sure he did speak.

Have you any recollection of where sheriff Thorpe stood?—At the head of his own table, on the floor I should think.

Do you recollect hearing him speak at all?—I do not.

By Mr. *Twiss*.—Do you not remember any motion to have been made, tending to the censure of the government, on which an amendment was moved by a person of the name of Poole?—I was not present.

By Mr. *Plunkett*.—You have said, that you think the measures as to the preventing the dressing the statue were not judicious, that they were not calculated to produce conciliation?—I have said, that after being countenanced by the government for so many years, I thought a sudden measure was ill calculated for conciliation.

Do not you think, that persons who are of that opinion, have a right to express it publicly, and that it is a fair thing for them to do it?—Certainly, very fair.

Do not you think they have a right to do so, in a public theatre or any other place?—I think they have a right to express their feelings, but not to disturb the peace.

That they would have no right to assault the person, either of the lord lieutenant, or of any other person?—Certainly not.

But they would have a right to express their disapprobation of those measures at the theatre, is not that your opinion?—My opinion is, that, as far as my own feeling would go, there should be no offence, in any kind of way, offered to the representative of his majesty.

Do you think it would be right to punish any person for merely expressing his disapprobation of those measures at a public theatre, or any other place?—My opinion is, that, unless he was hostile, and showed great hostility for merely disapprobation, hissing or hooting, my opinion is, that they are privileged to do that at a theatre.

Do not you think it would be an unjust thing to punish persons for merely agreeing before hand to go to the theatre, merely for the purpose of hissing or groaning, if they thought a measure

injudicious?—My own opinion is, that they ought not to be punished for merely hissing and groaning.

By Mr. R. Smith.—During your shrievalty, what was your course for forming the panels for commission grand juries?—I always formed the panel, and I inclosed it to my brother sheriff for his concurrence.

Did you yourself select the names?—I selected the names myself from the grand panel.

Not your under-sheriff?—Sometimes he did; and sometimes I have done it myself.

What is the general course?—The general course is, for the sheriff to write out his own panel, and submit it to his brother sheriff, and then for it to go to the sheriff's office, to have it engrossed.

Did you yourself go to select the names from the book, or was a list handed to you from the office, for your approbation?—Sometimes I made out the list myself, and sometimes I desired the under-sheriff to make out a list; and I submitted that list to my brother sheriff, and then we got it engrossed.

By Mr. Brougham.—Are you to be understood to state, that the general course is, for the sheriff himself always to select the jury?—It is. The sheriff writes out his list from the grand panel, and he submits that to his brother sheriff; he encloses it to me, he sends it back, or we both go to the Sheriff's office, and agree on the panel; and then we get it ingrossed by the under-sheriff's clerk.

Then the general course in that office is, that one sheriff selects from the grand panel, and submits to his brother sheriff, and they agree together upon the panel, and then send it back to the sub-sheriff?—The sheriffs take it quarter about; in his quarter he makes out his panel.

You are understood to say, that the common course of that office is, that one sheriff selects from the grand panel, and submits these selected names to his brother sheriff, for his approbation; and that then the two agreeing upon the names, they are sent back to the sub-sheriff?—That is the course that I adopted during my quarter.

Is that the usual course in the Sheriff's office?—I should think it is.

Do you know of that course ever having been adopted in any one case, except when you were sheriff yourself?—I do not; for I had no assistance to guide me in the office.

Then you do not know that that is the usual course?—I do not.

Then what you mean by the usual course of the office is, (is it not?) the course of the office while you yourself were sheriff?—I know nothing about the course of the Sheriff's office, beyond my own year of office.

And you did not then select?—I made my observations on the panel. He made out a general list for my approval. There never was a jury struck that was not submitted to my inspection; I took it to my brother sheriff, and

we then agreed upon the panel, and had summonses sent out. I do not think I made any list but from the grand panel.

Do you think that the stopping the dress of the statue was a measure likely to produce irritation?—I think it was. I think the dress it also a measure of irritation.

By a Member.—Was the grand jury, in 1823, composed of a less respectable class of individuals than you had formerly known as a grand jury?—I think I never served a jury with more respectable gentlemen than grand jury in 1823.

Do not you believe that the course which you pursued in striking the panel, was usual course with sheriffs in striking a panel?—I should suppose it was. It was the course I adopted myself.

Are you not one of that party, in Dublin, who wish to see the dressing of the statue die a natural death?—Certainly.

Did you make any objection to the undressing of the statue?—No.

Have you ever heard, that the lord lieutenant himself used to parade round the statue of king William, on the 4th of November, in Dublin?—I have.

Have you heard, that the garrison of Dublin used to fire round the statue of king William on the 4th of November?—I have.

Are such things observed now?—No.

Then, the honours offered to this monarch are much on the decline?—I think so.

How often was the statue dressed subsequent to the departure of his majesty from Ireland and previous to the prohibition on the part of the lord mayor?—I think, shortly after the departure of the king.

How often?—I do not recollect.

Did it not continue to be dressed until the lord mayor put a stop to it in November last?—It did.

Did you ever hear, that any application was made to the lord-lieutenant, stating the apprehensions of many of the inhabitants of College-green, from the riots occasioned by the dressing of the statue?—I did.

Mr. John Twycross called in; and examined

By Colonel Barry.—What is your situation in life?—Jeweller and silversmith and goldsmith of Dublin.

You served upon the grand jury last January?—I did.

Are you an Orangeman?—I am not.

Are you a supporter of what is called Catholic Emancipation?—I should be very happy if it took place to-morrow, if there was security given from any inroads on our constitution in church and state.

In the course of the transactions on the grand jury, were there any circumstances that led you to think that there was any partiality shown as to the subject matter that was brought before them?—Not in the least.

Did it appear to you, that there was an



anxious wish, conscientiously to discharge the functions of grand-jurymen?—Most particularly so by every individual.

Was it by a patient investigation of all the facts that were brought before you?—A most patient and most careful investigation of all the facts.

Was there any thing in the conduct of that grand jury which induced a conviction in your mind, that they harboured any degree of partiality on the subject matter submitted to them?—I have not the least doubt there was no partiality shown whatever, but every attention shown to every witness.

Was the finding of the bills according to the unanimous decision of the jury?—Most unanimous; we so declared in open court.

Mr. Joseph Henry Moore called in; and examined

By Colonel Barry.—What is your situation?—A stock broker and agent to an insurance company in Dublin.

Have you been in the habit of serving on Dublin grand juries?—Since 1817 I have.

You were employed by the grand jury to take notes upon the late occasion?—I took notes as well as others of the grand jury, memorandums of the heads of evidence.

Are you in any way connected with any Orange institution?—Not any, nor never was.

Are you competent to answer to such things as passed upon that grand jury?—I have taken an oath of secrecy.

You know the facts?—I am perfectly aware of the facts from having acted in a measure for the foreman.

[The witness was ordered to withdraw, and a conversation ensued, in which Mr. S. Rice, Colonel Barry, Mr. Bankes, and sir J. Newport participated, on the propriety of taking any part of the evidence of this witness, until the question was decided, whether he should be obliged to answer to matters to which the witness might conceive himself bound by his oath of secrecy. The witness was then ordered to be called in.]

By Colonel Barry.—Did you attend to the proceedings of the grand jury with great attention?—Most attentively.

Did it appear that it was the intention of the grand jury, fairly, honourably and impartially to investigate the subject matter submitted to them?—Most decidedly.

Did you see any instance of any witness being brow-beat or attempted to be forced out of the room during his giving evidence?—Certainly not.

How long did you occupy in considering those bills?—Until five o'clock on the first day, when the court sent up to us to know if we had decided. I returned for answer to, I believe, Mr. Riky, that we had not decided; that we should remain there and examine all the witnesses, if it pleased the court, or adjourn, as the court should direct.

Were there a great number of fresh witnesses

sworn and sent up to you the second day?—There were.

Do you remember how many witnesses altogether were examined before the grand jury?—There were 27 I think.

Was any impediment offered to any witness giving his testimony before the grand jury?—Certainly not; the foreman protected them in every way.

Were the witnesses fully examined to every point which they appeared ready to bear witness to?—The usual routine questions of grand jurors were put to them.

By Mr. Jones.—You state that the witnesses were protected by the foreman; did any of the grand jury then conduct themselves towards those witnesses in such a manner as to require protection?—Certainly not; in a multitude of people there may be a multitude of questions.

Was not there a person examined who offered evidence as to the person of one of the rioters, which evidence he was not suffered to give, because he did not know the person of the rioter at the time of the riot having been committed?—That is a secret of the jury, I apprehend. [The witness was ordered to withdraw.]

Mr. Calvert said, he thought the understanding was, that they were not to continue the examination after the witness had objected to answer the question.

Mr. S. Rice considered the partial testimony given ought not to stand on the minutes.

Mr. Brougham said, there could be no doubt that to any fact which occurred previously to the witness being sworn as a grand jurymen, or after the grand jury were discharged, he might be examined; but to an examination relative to what passed in the jury-room, he was not prepared to be a consenting party, unless a precedent could be shown for absolving the witness from his oath. In the case of admiral Byng (which he always considered as a murder)—on that infamous transaction, a bill was brought in, which passed that House, for absolving the members of the court-martial from the obligation of their oaths. It was therefore the solemn opinion of the House at that period, that an act of the legislature was necessary. But there was also the act of the 56th of the late king, for regulating grand juries, which dealt with this very matter. In that act, after directing that depositions taken before justices of the peace shall be laid before the grand jury, it is enacted, that if upon the examination of witnesses it should appear to the grand jury that the wit-

names have sworn falsely, they may report the same to the court; and in case the court should, therefore, order a bill of indictment for perjury to be preferred, it should be competent for any of the grand jurors to give evidence on the trial of such indictment, notwithstanding the oath taken by him as a grand juror. Now, the mere enactment of the statute or question was an admission that the legislature thought that a specific act was necessary to absolve a member of a grand jury from his oath. The case of admiral Byng ran upon all-fours with the present case, it was a regular proceeding before the House of Commons. He begged, however, to guard himself against being taken to declare, that even if courts of justice were without power to absolve a grand juror from his oath, that therefore the House of Commons (whose authority was paramount to all courts of justice) could not give that dispensation without an act sanctioned by the other House of parliament, and by the Crown. He was far from intending to make any such assertion as that; because he could suppose the case of the House of Commons proceeding against a minister of the Crown, or against a member of the upper House; and being refused assistance either by the Crown or by the House of Peers. He by no means, therefore, contended, that an act of parliament was absolutely necessary to the object in question; but he thought that enough had appeared before the committee to induce it to pause, and to deliberate seriously upon the point. Perhaps it would be better, for the present, to conclude the proceeding and adjourn.

Mr. *Abercromby* had no objection to an adjournment, but could not help wishing that the question had been mooted upon the evidence of the first witness. He thought, as far as he could give an opinion upon the sudden, that the House had power to dispense with the oath, and compel the witness to give his evidence.

Mr. *Wynn* believed that the power of dispensation, as regarded the oaths of grand jurymen, had existed in courts of justice prior to the 56th of the late king.

Sir *J. Newport* said, that the 56th of the late king was meant to declare what the law was, and not to make a new law. With that avowed view, it had been introduced. It was to correct an irregularity that existed in the Irish practice of the law, and to place it upon the same footing with the practice in England.

VOL. IX.

Mr. *Brougham* enacting, and not same time he thought ought to take the point.

Mr. *Wetherell* a grand jurymen by the power of a not the smallest of the late king was of admiral Byng at The House of Commons were not acting in of justice.

The House reported progress, sit again.

## HOUSE OF COMMONS

THURSDAY

PETITION OF COMPLAINERS OF PROPERTY.] Motion from Richard Carlile, prisoner in the Dorchester gaol, to consider the hardship of his being put in the gaol. The petition stated that Carlile had received a writ of habeas corpus from the Court of Common Pleas, and that there were strong reasons for his release, which he requested the House to consider without foundation. Carlile was, previous to 1816, a very poor man. Those distresses in his circumstances, he said, had become a hawk in the time of lord Eldon, and he had been employed by the Government to publish a Political Register, and to this day he would not be one of the best men in England [hear!]. "hear!" he would say. Mr. Carlile's religion was from that of some of the dissenters, did not affect his religion, and he would dare any man to say when he said, that his father, as head of the neighbourhood, Mr. Carlile, was a calumny itself. No man whom this man had of it? Why, it was a calumny of the book, increased by the man adopted for the government. Previous to this he had published religious works, and

that edition were subscribed for by the trade before it was published, still the sale was very limited till the trials began; but, in the course of those trials the sale of that, and of all Mr. Carlile's other publications had been increased to 13,000 copies. If this was the way in which the sale of works, supposed to be hostile to religion was to be diminished, it was, he would say, a very strange way. But why be so scrupulous about those works? Were the principles of religion not to be explained? Was there not to be a freedom of opinion on that very subject upon which men had the greatest personal grounds for having themselves well informed? The course which had been taken with respect to Mr. Carlile in the court of King's-bench was such as entitled him to complain. Upon the ground that the judge could not hear the Christian religion questioned by a defendant, he had been debarred of that full hearing which was his right as an English subject. The petitioner also complained of the interruption given by the court to his defence, and of the oppressive sentence passed upon him of three years imprisonment, and 1,500*l.* fine, and also of the still more oppressive execution of a *levari facias*, which took away from him all power of paying the fine, and subjected him, in default thereof, to continual imprisonment. A course so arbitrary was more worthy of the Inquisition than an English tribunal; and the only effect of such proceedings would be, to awaken a spirit of enthusiasm among the lower orders, and prepare the minds of hundreds among them for a new species of martyrdom. His own opinion was, that if the devil were put on his trial, he ought to be fairly heard, and receive no more than his due proportion of punishment. He begged the law officers of the Crown to pay particular attention to the fact, that the prosecution of this person had caused an unprecedented diffusion of the works, for the publishing of which he had been prosecuted.

The *Solicitor General*, in answer to the remark of the hon. gentleman, as to the interruption of the defence, begged leave to remind the House of the course taken by the petitioner. He had occupied from eight to ten hours of three successive days in his defence, after which he was convicted. He had a motion in term to set aside the verdict, which he argued for several hours. The member for Nottingham had moved in arrest of judgment in

a speech of considerable length, after which the petitioner was heard for a still longer time in mitigation of punishment. Thus much for the conduct of the trial. The petitioner, after these various proceedings, had boasted that he would continue to publish the same works—that his wife was willing to become a martyr in this cause—that if she should be prosecuted, convicted, and imprisoned, he had a sister who would take her place, and encounter the same perils—and that if the same fate should overtake his sister, there were hundreds willing to run the same risks over and over again. How well he had kept his word the House would judge, when they should learn that his wife and sister and others of his agents, had been convicted and were now in prison for the offences, and that at this moment a prosecution was pending against another of his agents on the same account. As to the *levari facias*, the whole proceeding was according to the usual course of law. If not, Mr. Carlile had only to move the court, and the writ would have been stayed. As to his inability to pay the fine, by the statement just made by the hon. member, it appeared that Mr. Carlile had sold 15,000 copies of the work in question, at half-a-guinea each. So that, by the admission of the petitioner, the prosecution must have put much more money into his pocket than the fine levied upon him.

Mr. *Lennard* considered the sentence passed on Mr. Carlile as one of unconstitutional severity. That severity he looked upon as one of the signs of the times. It appeared to him that the supporters of the six acts having failed in their efforts to procure the punishment of perpetual banishment, had contrived, through the agency of the judges, to supply that deficiency by sentences which amounted to perpetual imprisonment.

Mr. *Hume* accounted for the inability of Mr. Carlile to pay the fine, by the fact that he had invested the profits of his former sale, in the expense of the works which were seized under the levy.

Mr. *Denman* observed, that the proceedings in the case before the House proved that irreligion could also produce its martyrs. Such were the effects of that re-action which the operation of the joint-stock purse of the self-called "Constitutional Association" had produced. He understood that the funds of that purse were

nenses have sworn falsely, they may report the same to the court; and in case the court should, therefore, order a bill of indictment for perjury to be preferred, it should be competent for any of the grand jurors to give evidence on the trial of such indictment, notwithstanding the oath taken by him as a grand juror. Now, the mere enactment of the statute or question was an admission that the legislature thought that a specific act was necessary to absolve a member of a grand jury from his oath. The case of admiral Byng ran upon all-fours with the present case, it was a regular proceeding before the House of Commons. He begged, however, to guard himself against being taken to declare, that even if courts of justice were without power to absolve a grand juror from his oath, that therefore the House of Commons (whose authority was paramount to all courts of justice) could not give that dispensation without an act sanctioned by the other House of parliament, and by the Crown. He was far from intending to make any such assertion as that; because he could suppose the case of the House of Commons proceeding against a minister of the Crown, or against a member of the upper House; and being refused assistance either by the Crown or by the House of Peers. He by no means, therefore, contended, that an act of parliament was absolutely necessary to the object in question; but he thought that enough had appeared before the committee to induce it to pause, and to deliberate seriously upon the point. Perhaps it would be better, for the present, to conclude the proceeding and adjourn.

Mr. *Abercromby* had no objection to an adjournment, but could not help wishing that the question had been mooted upon the evidence of the first witness. He thought, as far as he could give an opinion upon the sudden, that the House had power to dispense with the oath, and compel the witness to give his evidence.

Mr. *Wynn* believed that the power of dispensation, as regarded the oaths of grand jurymen, had existed in courts of justice prior to the 56th of the late king.

Sir *J. Newport* said, that the 56th of the late king was meant to declare what the law was, and not to make a new law. With that avowed view, it had been introduced. It was to correct an irregularity that existed in the Irish practice of the law, and to place it upon the same footing with the practice in England.

Mr. *Brougham* thought the enacting, and not declaratory. At the same time he thought that the court ought to take the sense of the House on the point.

Mr. *Wetherell* thought that the power of a court of justice, by the power of a court of justice, not the smallest doubt that the late king was declaratory. The case of admiral Byng stood upon other grounds. The House of Commons, in the present case, were not acting in the capacity of a court of justice.

The House resumed: The committee reported progress, and obtained leave to sit again.

## HOUSE OF COMMONS

Thursday, May 8.

PETITION OF RICHARD CARLILE, COMPLAINING OF THE SEIZURE OF HIS PROPERTY.] Mr. *Hume* presented a petition from Richard Carlile, a prisoner in Dorchester gaol, praying the House to consider the hardship to which he had been put. The treatment which Carlile had received was novel in its kind. There were strong prejudices against Carlile, which he regarded as being without foundation. The fact was, that Carlile was, previously to the disturbance of 1816, a very respectable man. Those distresses had so reduced his circumstances, that he was obliged to become a hawker of pamphlets. At the time of Lord Sidmouth's circulation, he had been employed under Sherwood to publish a Political Register. To this day he would say, that Mr. Carlile was one of the best moral characters in England [hear!]. Notwithstanding this, he would persist in his opinion, that Mr. Carlile's religious opinion might differ from that of some other persons; but did not affect his moral character. He would dare any one to contradict him when he said, that as a husband, father, as head of a family, a neighbour, Mr. Carlile might be calumniated himself. Now, what had been the cause of this persecution of him? Why, it appeared that the circulation of the books had been prohibited, increased by the measures which had been adopted for the purpose of suppressing them. Previous to Mr. Carlile's case, he had published an edition of religious works, and though 250

in a contest, which it was not probable that they could speedily get rid of. There were other publications which contained statements fully as bad on the opposite side.

Mr. Secretary *Peel* said, he would advise his hon. friend not to proceed further. Much consideration was certainly due to his wounded feelings, but he should recollect that his character was proof against any attack of the kind. When the liberty of the press was so abused, its licentiousness became its own correction; for it was the natural consequence of gross and disgraceful exaggerations to lessen the credit of the source from which they proceeded.

The motion was then withdrawn.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a committee to inquire into the Conduct of the Sheriff of Dublin, sir R. Heron in the chair,

Mr. *Joseph Henry Moore* was called in; and further examined

By Mr. *Jones*.—Was there not a person examined, who offered evidence as to the person of one of the rioters, which evidence he was not suffered to give, because he did not know the person of the rioter at the time of the riot having been committed?—No such thing took place.

Was there a man of the name of Ryan examined before the grand jury?—[The witness was ordered to withdraw.]

Mr. *Plunkett* said, that before the committee proceeded to examine the witness on points involving the performance of his duty as a member of a grand jury, they ought to decide the general principle of the capability of dispensing with the obligation of his oath of secrecy. A grand jurymen was sworn not to divulge the counsel of the king, or of himself or fellows. The examination now about to be entered upon might put a grand jurymen in a situation at variance with that oath. As to the power of absolving the witness from such obligation, he would express no opinion, but would leave it for the committee to determine.

Mr. *Wynn* maintained that the House was entitled, in the discharge of its highest functions, to call on grand jurors to answer such questions as might be deemed necessary. This had been decided in the case of sir John Fenwick. Sir John had absconded, in consequence of a serious charge that had been brought against

him; and the House could not proceed to his expulsion, until proof of that charge was laid before them. For that purpose it was found necessary to examine some of the grand jury before whom the bill of indictment had been preferred. He insisted that the case of admiral Byng, which had been adduced on the opposite side, was not relevant, and that the act of parliament for regulating the proceedings of Irish grand juries, did not oppose any obstacle to the inquiry.

Mr. *Abercromby* stated it to be the opinion of Mr. Fox, that when the House acted in the capacity of a court of inquiry its powers ought to be as large as possible. He then went into an explanation of the act for the regulation of the proceedings of Irish grand juries, which bill did not relate to *viva voce* examinations, but to indictments found upon written depositions. He contended, that neither the bill as drawn up by Mr. Horner, nor a particular proviso which had been added to it, went against the right of the House to dispense with the obligation of a grand juror's oath, for the purposes of public justice. An inquiry of this kind was for the benefit of the public at large, and the committee had a right to call before them every person who could give them information, and oblige them to answer fully and entirely.

Mr. Secretary *Peel* said, the present was a question of very great difficulty. No man felt more strongly than he did the necessity of granting to the House the most extensive power for carrying on an inquiry of this description, and no man was more ready to admit that they were not, in their proceedings, to abide by the rules of a court of justice. There was, he conceived, only one case to which their authority did not apply, and that was the present case precisely, which was one of conscience. First of all, they placed individuals in a situation in which they were compelled to do certain acts. The grand jurors were obliged to take an oath, "not to divulge their own counsel, the king's counsel, or the counsel of their fellows," and then the House turned round and demanded of them to violate that oath. Was there, he would ask, any power in that House to release men from so solemn an obligation? Or, if there were, was it prudent, when the force of such an obligation depended altogether on conscientious feelings, to compel men to act in contradiction to those feelings? Might not the



members of the grand jury appeal, on this subject, to a higher authority than that of the House of Commons? Might they not appeal to the authority of the whole legislature? In 1819, that House was party to an act having for its object the regulation of Irish grand juries. Gentlemen knew that the grand juries of Ireland had two distinct functions to perform—those of finding bills, and of money presentments. By the act of 1819, grand juries were allowed to divulge matters relating to presentments; but the other part of their oath, with reference to the concealment of evidence given on bills of indictment, remained binding on them. This plainly showed the light in which the legislature viewed the subject. Every grand juror swore to conceal the evidence given before him, “So help him God,” or, in other words, he said, “may the divine protection be withheld from me, if I disclose what is stated in evidence.” Could that House compel him to divulge that which he had thus impressively sworn to conceal? Suppose the House thought they could do so, and the individual answered “I know not what your construction may be, I feel myself bound by the oath which I have taken, and no interpretation of others shall induce me to violate it,” suppose the witness made such an answer, would the House commit him? In that case, the conscientious observer of an oath would be committed, because he entertained a religious abhorrence of its violation. A committal on such a ground, would be the worst exercise of that power which belonged to the House in cases of ordinary contumacy, and he doubted very much its policy. If they were not prepared to commit a witness who was convinced that no power on earth could relieve him from the sanction of an oath, then they ought to consider whether they must not leave it to the witnesses whom they called, to determine whether they would answer or not. There could be no other alternative, and the House ought to pause before it placed itself in that situation.

Sir *J. Mackintosh* said, the question was, properly, whether an individual could be absolved from the sanction of an oath annexed to civil services of state, or the pure administration of justice, where the service was not for his own advantage, but was a duty imposed upon him. The right hon. gentleman opposite denied that any human authority could dispense with

the obligation. He did not recollect instance of such a doctrine having been laid down, even in papal times, when the church in the name of religion, but frequently to its abuse, imposed laws, and assumed the direction of all the affairs of society. When religion lent its sanction to civil officers, and enforced the obligations imposed by magistrates and the law, all the theologians casuists and moralists with whom he was acquainted, agreed that so soon as the competent authority which imposed the obligation thought proper to dissolve it, the influence of religion ceased with the existence of that obligation which it was called in to enforce. That were not the true doctrine, what must be the consequence with respect to the oath of allegiance? The people of this country took the oath of allegiance to James 2nd, and afterwards to William and Mary. The latter oath was, of course, a positive repeal of the former; but, were they on that account to accuse the people of England with having committed gross perjury? No; the oath of allegiance was but a promissory oath, from which a man might be relieved under extraordinary circumstances. No man could be relieved from an oath of testimony; because that was direct and immediate, and could not, therefore, be applicable to this case; but the oath of allegiance being promissory, was not binding longer than the original duty of allegiance. What was to be said of oaths which the clergy of England had broken, with regard to the see of Rome? Were the statutes of the Reformation founded in perjury? Were Cranmer and Tillotson and other great divines liable to such an imputation? Were the founders of our mode of religion at the Reformation, and its protectors at the Revolution, grossly ignorant of the sanctions of religion and the obligations of law? He would not weary the House by going into the argument of the marriage oath; but he might be permitted to say, that that was another instance in which the sanction of religion was added to civil duties, and ceased as soon as the temporal obligation was dissolved by law. As to the manner in which the House was bound to treat witnesses who had religious scruples, that was a question of tenderness to conscientious feelings, and was very different from the question of the right of the witness to refuse to answer. It was not incompatible with the maintenance of the power of the



House to be tender to the religious impressions of individuals. No one would deny that the state had a right to exact oaths from the society called Quakers, as well as from all other subjects, but it was equally true, that it was wise and becoming to consult their conscientious scruples, and relieve them from an oath. It was his opinion, that if any juryman called to their bar should conceive that his oath was not to be dispensed with, he ought not to be examined; for he thought no witness ought to be questioned who was not content to be thoroughly examined.

Mr. *Wetherell* entirely concurred in the opinion, that no court ought, on light grounds, to interfere with the scruples of religious persons, in the construction of an obligation. But, what was the case here? Let them not confound in one common sense, civil and religious obligations. What was the nature of the oath in this case? It was strictly an obligation for the performance of a civil duty: it had, certainly, from its nature, two aspects—one a religious, the other a civil obligation: but, in what sense did the religious part become involved? Why, to give effect to and to enforce the civil. It was, in fact, a pledge *coram Deo*, that the civil duty should be duly discharged. The true construction of such an oath, then, was that which aided the civil obligation. What was the principle which governed the construction of an oath? Some principle was actually necessary; for otherwise, as there were two parties—the one imposing the oath, and the other contracting it—they might clash with each other in their respective construction of the obligation. The principle long established was this—that the oath should be construed in the sense of the party administering it, and according to the terms he imposed. The hon. and learned gentleman then quoted Dr. Paley in illustration of this principle, that, as the oath was intended for the security of the party imposing it, it ought to be taken according to his avowed construction. With respect to the application of this principle to the particular case, if he were to hazard an opinion—for he would not venture to go further—he almost felt disposed to say, that the oath of secrecy of a grand juror was only intended to operate until the party was put upon his trial; for then, of necessity, the information previously given became public,

and the motive for secrecy no longer existed. Writers, he knew, were obscure upon the subject, and he would only venture to hazard an opinion. In application of the principle which he had already stated, he would ask, by whom, and for whose benefit, was the oath of a grand juror administered?—by the state, and in furtherance of the purposes of justice. Was it not lawful, therefore, for the state to say—“We, who administer the oath, release you who took it from the obligation it imposed.” Why? Because the purposes of justice, which rendered that oath necessary, now require that you should, in the particular instance, be released from the secrecy which it imposed. If parliament had not the power of conferring this release, what an absurdity to have given them the right of entering into an unlimited power of inquiry! If the oath were inexpiable, then their inquisitorial power could at any time, where a grand juror was concerned, be stopped by what was called a scruple of conscience. The indissolubility of this oath, and the privileges of parliament, could not exist together. And, could the legislature have ever meant, or contemplated, that they should come in contact? The only question, then, respecting this oath, was, *quis imposuit, et quo animo*? His answer was, the state imposed the oath, and the *quo animo* was in furtherance of justice. The oath, then, must be considered with reference to its real purpose, and the state which regulated that oath must have reserved to itself the power of removing the bond of secrecy when the interests of justice required further information. But then he might be told that a severe religionist might say, “My scruples are so strong, that I must have an act of parliament to exonerate me.” To such a man he would reply, “How will an act of parliament remove your scruples? If they are sincere, you will stand just the same, as regards your conscience, after the act of parliament as you do before?” Let those who were severe religionists remember the university oaths which they took, and the manner in which they qualified that taking. Why, in the university of Oxford, of which the right hon. secretary was so able a representative, nine-tenths of the gowns-and-caps-men who walked about that city talking English, and who stayed out of bed after nine o'clock every evening, were in the daily habit of com-

Mr. Baring said, that however important this case was, the House were bound to take care that the more important interests of the community were not made subservient to its convenience. The question really was, was the grand juror's

Mr. DENNIS argued proper case :  
juror to give :  
The case of James , who in his compact with the people and government, furnished an instance subjects might be said not so have been absolved from their allegiance, as that that oath no applied to them. If so much to be laid upon the doctor . possible case was a grand juror : from the obligation of his oath House observe what consequences might follow : a man might a bill against another before a grand jury fraudulently and maliciously, oath ; and when that bill should to be tried before a petty jury, swear precisely contrary to the his former oath ; and a grand juror pening to be present, would be from at once demonstrating the of such a witness, and the in the accused, because he was bound not to divulge what he place before him. The hon. and gentleman then proceeded to the authority of lord Somers, oath of a grand juror " not to divulge the king's counsels, his fellows, or his subjects, and could by no means intended for the security of rights, lives, and property of subjects, and could by no means intended to prevent a grand juror giving his evidence in aid of justice concluded by expressing his con-

with the hon. member for Bristol, that it was impossible to condemn the party before the House, unless the House gave him the benefit of every evidence that could be properly resorted to.

Mr. *Canning* could not at all agree with those who considered that the oath taken by grand jurors by no means strictly connected itself in their minds with the business before the grand jury. He did believe that they who took the oath to keep secret the king's counsels, their own, and their fellows', imagined that they were solemnly pledging themselves to keep secret what might pass amongst and before them, on the subject of such bills as were brought under their consideration. If this was an erroneous view of the character of the oath, it would rather be a ground for a new legislative enactment, than for the course which had been proposed on the present occasion. The practical question to be decided by the House was, whether the proposed mode of inquiry was to be proceeded in? This question, in his view of it, involved two most material points; first, as to the authority possessed by the House of enforcing such a course of examination; and secondly, as to the discretion which they ought to use in carrying that authority into execution. Now, as to the power of the House to enforce such a mode of inquiry in cases of emergency, certainly no one could deny it. But, unless in cases of great emergency, he thought even the discussion of that right a matter pregnant with much danger. It was a question which, on every ground, ought not to be debated, except when a case arose that rendered its agitation necessary. The present was not a case of that kind; and the case put by the hon. and learned gentleman opposite was of little importance in its bearing upon it. The House need hardly consider in what way it would be disposed to exercise its discretion upon the matter before them, if it was not called upon to do so under existing circumstances. It seemed to be admitted on all hands, that a refusal by a party who had taken the oath of a grand juror to answer certain questions that might be put to him in the course of this inquiry, would not constitute, whether arising from purely conscientious, or merely discretionary motives, such a case as should call upon the House for the exercise of its extreme severity in sending the witness from their

bar to Newgate. He called upon hon. gentlemen, therefore, to consider whether they would exercise their authority in this instance; for he could not see the possible advantage of their saying, beforehand, as it were, "If you don't answer such and such questions, that will not be a case in which we shall exercise our privileges." This had been put as a case for a tender conscience; but, was it not perfectly clear, that the persons most likely to take advantage of such a declaration were those whose consciences were of another character? The right hon. gentleman, after arguing to show the inexpediency of discussing abstractedly a very nice and difficult question, observed, that if the matter was pressed to a division, he should vote against any inquiry of the sort proposed. He then deprecated the course which an hon. and learned friend of his had pursued, in resorting, upon the question of an oath, to ridiculous comparisons, such as had been attempted to be instituted between the solemn oath of a grand juror, and those obsolete and formal oaths which gentlemen were in the habit of taking at the university, and violating without offence, or scruple, or remorse. An oath of this more grave and serious nature, was, after all, the last resort of good faith among men; and it was unwise, and more than improper, to treat it in any way that might derogate from its sanctity.

Mr. *Wetherell*, in explanation, begged that he might not have all the high merit and distinction of treating the question of certain oaths with some degree of ridicule. That merit was to be shared at least with that great and enlightened moralist and divine Dr. Paley, whose book he had quoted from.

Mr. *Plunkett* rose merely to state what he conceived to be the bounden duty of the House. A charge had been brought forward by an hon. baronet against the sheriff of Dublin, for having improperly empanelled a grand jury. Now, without entering into the question which had that night been so much discussed, it would surely be a gross injustice to the sheriff if the evidence affecting the empanelling of that jury—if the testimony of the grand jury itself—could not be heard, supposing it necessary to his defence. He rose, therefore, to submit to the House that if these interrogatories were not to be put, all the previous evidence that had been taken affecting the conduct of the

grand jury ought to be expunged from the minutes. At all events, that part which was inculpatory ought not to be kept in, if that which might be exculpatory was to be put out.

Mr. Brougham said, that he had last night recommended delay, in order to give opportunity for a mature inquiry into a point of so grave and serious a nature as the present. He was now anxious to offer a few observations upon it, and the more so as he confessed that he now felt much fewer doubts upon it than he did on the former occasion. He certainly was of opinion, that if the House could avoid coming to any decision upon this point—if they could prevail on themselves not to decide upon it—that would be the most convenient, as well as the safest course which they could adopt; but that course could only be adopted by their abstaining altogether from inquiring into what passed before the grand jury. For it certainly would be going against justice to enter at all upon the inquiry without pursuing it to its fullest extent. Then, the practical question for the consideration of the committee was, could this inquiry go on with safety to its own object—could it be effectually prosecuted—without inquiring what did take place before the grand jury? If there was any member in that House who thought not, then that member must be also of opinion, that the inquiry must be prosecuted to its fullest extent. And then would come the inquiry as to the power of the House to absolve a grand juror from the obligation of his oath. He saw no middle course. If they could not go into that inquiry without taking this course, and if the House did not possess the power of taking it, then it must drop altogether—a circumstance for which he has no doubt every member of the House would feel extremely sorry. But he did not feel that they were placed in this dilemma: he did not conceive that what had passed before the grand jury of Dublin was necessary to the vindication of the sheriff's character; and his reason for thinking so was this: The main question to be inquired into was, whether the sheriff had packed the grand jury? Now, if that jury so packed, had done as it was expected they would do, and if this were proved, it certainly would tend much to the crimination of the sheriff; but if they had been disobedient, and had not done what it was expected they would do by the person who packed them (always supposing them

to have been packed in his view of the conduct of that officer. To suppose such an object as to find men who were not fit for his office, was not thought fit for his consideration. "We can't later expect such a man to know his name and him do so and so." of such a jury we should be innocent of the particularly anxious to be sent forth to the country, doubted its power to exercise its jurisdiction. All that was in this case was, to exercise. Such an exercise—it might arise even but sufficient for that that occasion. If any hon. member character and credit not safe without alone would be sufficient on the present discussion upon the point necessary; but he member yet assert. He now begged thought he had been to some of the doubts respecting a clause of the late king. If a gentleman who had been in the framing of the bill that if it were competent to make that before, then he might Ireland differed from—an admission which make, and which could be made. Upon the was at a loss to see be raised upon this man pretend to say not be prosecuted in his evidence before they once admitted who, from spiteful or went before a grand neighbour, would be punishment due to his crimes cases out of ten, the listening to his evidence jury; who, according would be prevented appearing against him

with the hon. member for Bristol, that it was impossible to condemn the party before the House, unless the House gave him the benefit of every evidence that could be properly resorted to.

Mr. *Canning* could not at all agree with those who considered that the oath taken by grand jurors by no means strictly connected itself in their minds with the business before the grand jury. He did believe that they who took the oath to keep secret the king's counsels, their own, and their fellows', imagined that they were solemnly pledging themselves to keep secret what might pass amongst and before them, on the subject of such bills as were brought under their consideration. If this was an erroneous view of the character of the oath, it would rather be a ground for a new legislative enactment, than for the course which had been proposed on the present occasion. The practical question to be decided by the House was, whether the proposed mode of inquiry was to be proceeded in? This question, in his view of it, involved two most material points; first, as to the authority possessed by the House of enforcing such a course of examination; and secondly, as to the discretion which they ought to use in carrying that authority into execution. Now, as to the power of the House to enforce such a mode of inquiry in cases of emergency, certainly no one could deny it. But, unless in cases of great emergency, he thought even the discussion of that right a matter pregnant with much danger. It was a question which, on every ground, ought not to be debated, except when a case arose that rendered its agitation necessary. The present was not a case of that kind; and the case put by the hon. and learned gentleman opposite was of little importance in its bearing upon it. The House need hardly consider in what way it would be disposed to exercise its discretion upon the matter before them, if it was not called upon to do so under existing circumstances. It seemed to be admitted on all hands, that a refusal by a party who had taken the oath of a grand juror to answer certain questions that might be put to him in the course of this inquiry, would not constitute, whether arising from purely conscientious, or merely discretionary motives, such a case as should call upon the House for the exercise of its extreme severity in sending the witness from their

bar to Newgate. He called upon hon. gentlemen, therefore, to consider whether they would exercise their authority in this instance; for he could not see the possible advantage of their saying, beforehand, as it were, "If you don't answer such and such questions, that will not be a case in which we shall exercise our privileges." This had been put as a case for a tender conscience; but, was it not perfectly clear, that the persons most likely to take advantage of such a declaration were those whose consciences were of another character? The right hon. gentleman, after arguing to show the inexpediency of discussing abstractedly a very nice and difficult question, observed, that if the matter was pressed to a division, he should vote against any inquiry of the sort proposed. He then deprecated the course which an hon. and learned friend of his had pursued, in resorting, upon the question of an oath, to ridiculous comparisons, such as had been attempted to be instituted between the solemn oath of a grand juror, and those obsolete and formal oaths which gentlemen were in the habit of taking at the university, and violating without offence, or scruple, or remorse. An oath of this more grave and serious nature, was, after all, the last resort of good faith among men; and it was unwise, and more than improper, to treat it in any way that might derogate from its sanctity.

Mr. *Wetherell*, in explanation, begged that he might not have all the high merit and distinction of treating the question of certain oaths with some degree of ridicule. That merit was to be shared at least with that great and enlightened moralist and divine Dr. Paley, whose book he had quoted from.

Mr. *Plunkett* rose merely to state what he conceived to be the bounden duty of the House. A charge had been brought forward by an hon. baronet against the sheriff of Dublin, for having improperly empanelled a grand jury. Now, without entering into the question which had that night been so much discussed, it would surely be a gross injustice to the sheriff if the evidence affecting the empanelling of that jury—if the testimony of the grand jury itself—could not be heard, supposing it necessary to his defence. He rose, therefore, to submit to the House, that if these interrogatories were not to be put, all the previous evidence that had been taken affecting the conduct of the



grand jury ought to be expunged from the minutes. At all events, that part which was inculpatory ought not to be kept in, if that which might be exculpatory was to be put out.

Mr. Brougham said, that he had last night recommended delay, in order to give opportunity for a mature inquiry into a point of so grave and serious a nature as the present. He was now anxious to offer a few observations upon it, and the more so as he confessed that he now felt much fewer doubts upon it than he did on the former occasion. He certainly was of opinion, that if the House could avoid coming to any decision upon this point—if they could prevail on themselves not to decide upon it—that would be the most convenient, as well as the safest course which they could adopt; but that course could only be adopted by their abstaining altogether from inquiring into what passed before the grand jury. For it certainly would be going against justice to enter at all upon the inquiry without pursuing it to its fullest extent. Then, the practical question for the consideration of the committee was, could this inquiry go on with safety to its own object—could it be effectually prosecuted—without inquiring what did take place before the grand jury? If there was any member in that House who thought not, then that member must be also of opinion, that the inquiry must be prosecuted to its fullest extent. And then would come the inquiry as to the power of the House to absolve a grand juror from the obligation of his oath. He saw no middle course. If they could not go into that inquiry without taking this course, and if the House did not possess the power of taking it, then it must drop altogether—a circumstance for which he has no doubt every member of the House would feel extremely sorry. But he did not feel that they were placed in this dilemma: he did not conceive that what had passed before the grand jury of Dublin was necessary to the vindication of the sheriff's character; and his reason for thinking so was this: The main question to be inquired into was, whether the sheriff had packed the grand jury? Now, if that jury so packed, had done as it was expected they would do, and if this were proved, it certainly would tend much to the crimination of the sheriff; but if they had been disobedient, and had not done what it was expected they would do by the person who packed them (always supposing them

to have been packed), that would not in his view of the case, tend to exculpate that officer. To be sure, an officer has such an object in his view, would select men fit for his purpose, or whom he thought fit for his purpose; he would go to find men who would say to A. "We can't listen to your evidence respecting such a man, because you did not know his name at the time that you saw him do so and so." But the disobedience of such a jury would be no proof of the innocence of the sheriff. He was particularly anxious to guard against its being sent forth to the world that the House doubted its power to act in cases of emergency. All that was necessary to be done in this case was, to decide that there was in this instance, no necessity for its exercise. Such an occasion might arise—it might arise even on that very night—but sufficient for him was it to perceive that that occasion was not now arrived. If any hon. member were to say that the character and credit of the sheriff were not safe without such an inquiry, that alone would be sufficient ground for entering on the present discussion, if a discussion upon the point should be thought necessary; but he had heard no hon. member yet assert that that was the case. He now begged to observe, that he thought he had been misled with regard to some of the doubts he entertained respecting a clause in the act of the 56th of the late king. He had since consulted a gentleman who had taken an active part in the framing of that act, and he found that if it were considered a new enactment to make that law which was not law before, then he must say that the law of Ireland differed from the law of England—an admission which he was very loth to make, and which ought not to be lightly made. Upon the law of England, he was at a loss to see how any doubt could be raised upon this point. Would any man pretend to say that a person could not be prosecuted for perjury committed in his evidence before a grand jury? If they once admitted this, then every man who, from spiteful or malicious motives went before a grand jury to prosecute his neighbour, would be free from the punishment due to his crime; because, in nine cases out of ten, there were no persons listening to his evidence but the grand jury; who, according to this doctrine, would be prevented by their oaths from appearing against him. But, an hon. and

learned friend of his had furnished him with a case decidedly in point on this subject. A man was tried for a capital offence; the witness for the prosecution deposed strongly against him; and as the case was going on, a grand juror threw down a note to the prisoner's counsel, stating that the witness had sworn quite the reverse before the grand jury on that morning. The statement was instantly made known to the court, and Mr. Justice Buller ruled, that the grand juror should be allowed to appear as a witness: he did appear, the man was acquitted, and he understood that the witness was afterwards convicted of perjury on the evidence of that grand juror. The oath of the grand juror was never intended to impede the course of justice; it was meant to prevent idle gossip; to prevent persons from talking over at an ale house or at a gentleman's table after dinner, the whole of the circumstances which had taken place in the grand jury room. The oath of a grand juror bound him to keep the king's counsel, his fellow jurors and his own. That the king's counsel should be kept was necessary, as otherwise the accused might escape and justice be evaded; but it never could have been intended, that a juror's oath should prevent him from appearing as a witness against a person guilty of perjury before him. The House ought to give every sort of credit to, and act with all manner of kindness towards, really conscientious scruples. At the same time, their proceedings would be most improperly impeded, if the witness was to be the judge of the expediency of yielding to those scruples. It would be for a witness to make an objection, and for the House to determine whether the objection was a valid one. If a witness was allowed to plead the tenderness of his conscience as an excuse for not giving his evidence, there would be an end of all inquiry. What would be said if one of the society of friends were to come into a court of justice, and say that his conscience not only precluded him from taking an oath, but because he had strong feelings on the subject of capital punishments, also prevented him from giving evidence which might affect the life of an individual? The answer which would be given to such a person would be this—"Sir, you have no right to have a conscience on such a subject at all: the legislature is the only judge of the necessity of taking away a man's life, and your notions of jurispru-

dence must not stand in the way of justice." So, with respect to witnesses at the bar of that House who might plead a tenderness of conscience, he would say—"Place your conscience in our keeping; we will deal with it with all tenderness; but we are the proper judges of what ought or ought not to be given in evidence in this House."

Colonel *Barry* said, he should extremely regret any circumstance which would prevent the sheriff of Dublin from producing at their bar testimony which would go to contradict that which he (col. Barry) believed in his conscience to be false evidence. Indeed, he should regret any thing which would put an extinguisher upon the present inquiry. The grand jury themselves, as far as he had been led to understand, had no objection to state at the bar what took place before them, as they did not conceive the obligation of their oath went so far as to prevent them from giving evidence in any inquiry instituted by that House for the purpose of attaining the ends of justice.

The *Attorney General* observed, that when, two nights ago, the first question was put to a witness with respect to the conduct of the grand jury, he had entered his protest against such a line of evidence, because he foresaw, that, if it were persevered in, the committee would be placed in the dilemma in which they now stood. He regretted that the House had not listened to his advice upon that occasion. He knew that in the case of sir John Fenwick the House had compelled a grand juror to state proceedings which had passed in the jury room; but he doubted whether it would be expedient to follow that precedent upon the present occasion. He had not yet made up his mind upon that point, and he hoped that the committee would not come to a hasty decision of the question before it. Of this he was satisfied, that if the committee should refuse to receive the evidence of the grand jury, they ought, in justice to those gentlemen, to expunge from the minutes of evidence every word which related to their conduct.

Dr. *Lushington* said, that in his opinion the House had decidedly the power to inquire into what passed before the grand jury, and that it would be no violation of the oath of any grand juror to give the fullest information the House might require of him. If the question under consideration was, whether in every case that



had no objection to be examined, it might be another question; but if some should object to be examined, the committee would have to come to the question as to the propriety of compelling them. Now, he thought that would be objectionable; and therefore if the committee divided, he would give his vote for not putting the question, by which the matter would be set at rest.

Mr. *Brougham* said, if the sheriff and his friends desired it, he saw no objection to the examination; but he did not think the examination of the grand jury at all necessary to the case of the sheriff.

Mr. *Dawson* said, if the grand jury sought to give an explanation of their conduct, the opportunity should not be denied them of answering charges so unequivocally made.

Mr. *Tierney* conceived that they must have all the evidence respecting the grand jury or none. Would it not be better to shape some middle course, and instruct the chairman to state to any grand juror who might come before the committee, that he must either be silent as to the conduct of the jury, or consent to be examined touching all that occurred.

Mr. *Keith Douglas* said, that rather than have the proceedings conducted in this undecided manner, he would wish the whole inquiry to be put a stop to at once; and if any member felt disposed to second him, he would move that the chairman do report progress, and ask leave to sit again that day six months.

Sir *J. Mackintosh* did not see how the committee could possibly refuse to the grand jury an opportunity of defending themselves if they required it. As to the oath of secrecy, the grand jury by their joint petition with the sheriff, in which they complained of the charges made against them, and expressed their readiness to repair to London to aid any inquiry which the House might please to go into, distinctly waived the question of secrecy; because no examination could take place to exculpate them, but an examination of themselves. This petition either gave up any objection to be examined as to what passed in the jury room, or it was a dishonest attempt to deceive the House.

Sir *G. Hill* thought that the evidence already gone into respecting the grand jury was by no means necessary to the case of the sheriff. Indeed it was his opinion, that it would be greatly for the convenience of the House and the coun-

try, if the entire investigation was to close here.

Mr. *Plunkett* said, that the House had to come to a decision upon this abstract point—whether the House ought to compel a grand juror to answer? He had declared from the outset, that unless the proposed interrogatories were put and answered, gross injustice would be done to the sheriff, by suffering what was already on the minutes to remain there without giving him the opportunity of reply.

Mr. *R. Smith* proposed to move, "That, under all the circumstances of the case, it is not expedient to proceed with the inquiry with respect to any thing that passed before the grand jury."

Colonel *Barry* was opposed to the expunging of any thing from the minutes. If any thing were expunged, the charge would have been published in all the newspapers, without the means of giving it an answer. He was willing to rest the case of the grand jury on what had already appeared, without pressing it further.

Mr. *Peel* observed, that the committee had, in fact, nothing to do with the grand jury, but as its conduct implicated or acquitted the sheriff. He saw no reason why it should not proceed with other parts of the inquiry, regarding which all were agreed, and postpone this question respecting the grand jury, until it was found necessary to decide it.

Mr. *Brougham* fully concurred in what had been said by the right hon. gentleman. The only practicable method was to postpone to the last moment the decision of the abstract question. It would thus be left open to the hon. colonel to call any grand juror he thought right to bring forward. If he did not think it necessary to produce them, the question would not arise [Hear].

Colonel *Barry* added, that he should call some of the grand jurors, but not to any matters connected with what had passed before them when the bills were ignored.

Mr. *John Davis* called in; and examined

By Colonel *Barry*.—What is your situation in life?—I have been educated in a respectable mercantile establishment; since that I have been much on the continent; I now reside near Dublin, within a few miles of it.

Do you know a person of the name of Addison Hone?—I do.

Is he supposed to be a man of what are called strong political feelings?—I certainly consider him a man coming under the deno-



mination of possessing high political feelings.

Do you recollect being present at any conversation between Addison Hone and sheriff Thorpe?—I do.

State what that conversation was?—I recollect walking with Mr. Addison Hone, some few days, probably three or four, previous to the meeting of the January grand jury. I remember Mr. Hone, having met Mr. Sheriff Thorpe, addressing him: he informed him, that he understood Mr. Sheriff Thorpe had received a communication from the crown solicitor, relative to this panel. Mr. Sheriff Thorpe, without any reply, seemed to affirm that he had, without explaining the nature of that communication. Mr. Hone then observed, that it was not his intention to go on this jury, but that in consequence of that communication, as it was generally well known through the city of Dublin, he now declared his wish to occupy his place on that panel, and requested the sheriff to put him on it. The sheriff replied something synonymous to this, "that he was considered a party man in the city; that as there were some circumstances of a very particular nature would come before that jury, he was anxious to be free from any appearance of partiality, and under that impression he should not put him on;" I think he added, "that the same would not apply to Mr. Davis, and that he would be on the jury."

What did you conceive the sheriff meant by a party man?—I considered it applied in that sense to Mr. Hone; that he is a gentleman who has avowed his sentiments on the politics of the day; he is considered a high protestant ascendancy man. I believe there is an impression very generally prevailing, that he is an Orangeman; but I believe that he is not.

By Mr. S. Rice.—Are you an Orangeman?—I am not.

Are you a member of the grand jury?—Of the January grand jury I was.

Do you know of a subscription that was made in Dublin, for the purpose of dressing the statue?—No, certainly not, at the time of the dressing of the statue.

You do not know any thing with regard to that subscription of your own knowledge?—Certainly not.

The right hon. *William Phibbott* made the following declaration in his place:

On communication with the law officers, I determined to have a letter addressed by Messrs. Kemmis to both the sheriffs, for the purpose of their joining in returning the panel; and that letter, now shown to me, is the letter which was accordingly sent. [The letter was delivered in and read; and is as follows:]

"*Kildare-street, 24th Dec. 1822.*

"Gentlemen;—In pursuance of a communication we have this day received from his majesty's attorney-general, we have the honour to inform you, that, in order to avoid any suspicion of partiality, on the approaching trials at the commission, it is expected that the panels

shall be returned by both the sheriffs, as the law requires. We are, Sirs, Thos. & Wm. Kemmis

Mr. William Carpenter called in: and examined

By Colonel Barry.—Do you know any person of the name of William Poole?—I do.

Did you hear any conversation between him and sheriff Thorpe, a few days before the commission?—I did: it was in the court-house, in Green-street. Mr. Poole came to sheriff Thorpe, and he told him that he was informed that he was not on the panel: and he said that he was astonished, as Mr. Thorpe had promised him about six weeks or two months back to put him on the jury. Mr. Thorpe told him that he could not put him on the jury: that the panel had been made out by his brother sheriff and himself. Mr. Poole some time after, told him that if he put him on the panel he would not interfere with the matter which occurred in the theatre.

Did he state any particular reason for wishing to be on the grand jury?—He mentioned that there was a bill of indictment against a Mr. T. O'Meara, for perjury. He said he would be able to explain the circumstance to the jury, if he was put upon the panel.

What reply did sheriff Thorpe make?—He told him that that very circumstance would prevent him from putting him on the panel. This was about two or three days prior to the jury being sworn for the commission. It took place in the Sessions house, in Green-street.

By Mr. S. Rice.—Do you recollect having made any declarations, with regard to the possibility of bills being sent up to a grand jury, respecting this play-house riot, before you served upon that grand jury?—No, I do not.

You never declared, that if such bills had been preferred to a grand jury, they ought to have been thrown out?—Never.

Did you belong to an Orange association at the time that you were sworn as a grand juror?—I did.

By Mr. R. Smith.—Who was present, besides yourself, when Mr. Poole addressed this conversation to sheriff Thorpe?—There was a vast number in the court, but not near us; I was sitting between sheriff Thorpe and Mr. Poole, in the sheriff's box with sheriff Thorpe.

He spoke across you to sheriff Thorpe?—Yes, he did.

Had you any previous acquaintance with Mr. Poole?—O, yes.

Have you been in the habit of private intimacy or friendship with him?—Nothing more than meeting him in the assembly, and on a committee, and on grand juries.

Is he a man whom you reckon a warm man in politics?—I think so.

An Orangeman?—No.

Is he what you call a conciliation-man?—I believe so.

Have you and he been often on the same side at meetings of the common-council?—Not on the same side.



to, that he said he would not vote upon that.

Do you consider yourself bound by any oath which you have taken as an Orangeman, to conceal any evidence you have it in your power to give to this committee?—Certainly not.

Was there any subscription in your lodge, for the subsistence of the traversers, the men who were to be tried under this indictment?—Not to my knowledge.

How many members have you in your lodge?—At the time I attended, there were perhaps about 25 or 30.

Did you ever hear of any subscriptions among the Orange lodges in Dublin, for the support of the traversers?—I did, I heard of it.

Do you meet by summons?—Yes.

What are the toasts given?—"The King" is generally the first toast; and then "The duke of York" and "The duke of Clarence and the Navy."

And the usual toast of "King William?"—Yes.

You drink the usual toast, "The glorious memory?"—Yes.

Did not you state that Mr. William Poole was a conciliation-man?—Yes.

Do you know what induced Poole to say he would take no part against the rioters, on the inquisition, provided he was left on the panel?—Yes; he mentioned the reason, that there was a bill of indictment against Mr. O'Meara.

Do you know what induced Poole, a conciliation-man, to hold out an offer to sheriff Thorpe, that if he was left on the panel, he would give no vote as to the rioters at the theatre?—The only reason which I know is, that Mr. Poole has differed with the majority a good deal, in the Commons; and that perhaps Mr. Thorpe might think that if he was on the jury, there would be a difference.

Did sheriff Thorpe, when this offer was made by Poole, of not interfering with the rioters at the theatre, express any surprise or indignation?—He did; for he told him that would be the very means of preventing him from putting him on the panel.

The House resumed. The chairman reported progress, and obtained leave to sit again.

## HOUSE OF COMMONS.

*Friday, May 9.*

SPITALFIELDS SILK MANUFACTURE ACTS — PETITION FOR THE REPEAL THEREOF.] Mr. T. Wilson presented a petition from the Silk-manufacturers of London and Westminster against the statutes of the 18th, 32nd, and 51st of the late king, usually styled the Spitalfields' Acts; which empower the magistrates to fix the wages of journeymen silk-manufacturers, and impose other restrictions highly injurious to the trade. In proof

of the evil tendency of these acts as they affected the workmen, the hon. member stated, that the population employed in this manufacture had of late years decreased. In no part of this manufacture were these laws of any use; and there were many in which they were highly detrimental. The fabric was so fettered and regulated by the statute, that fancy silk goods, in imitation of the French, could not be made in London. As a proof, however, that the trade, which had decreased in London, where alone those laws were in operation, had flourished in other parts of the country, it might be mentioned, that the value of raw silk annually imported, which, 50 years ago had not exceeded 120,000*l.* was now upwards of 2,000,000*l.*

The following is a copy of the petition:—

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in parliament assembled..

"The humble petition of the undersigned silk-manufacturers, residing within the city of London, the county of Middlesex, the city and liberty of Westminster, and the liberty of the Tower of London:

"Sheweth—That your petitioners are extensively engaged in the manufacture of silk, within the city of London, the county of Middlesex, the city and liberty of Westminster, and the liberty of the Tower of London, and which manufacture is, in the opinion and judgment of your petitioners, at present so circumstanced, as to require the attention of your honourable House:

"That the silk manufacture of this kingdom, from an inconsiderable beginning, has gradually attained to great importance in a national point of view, supplying to the state a large revenue—supporting a numerous and industrious population—and affording the means of an extensive and beneficial investment of capital. In the earlier periods of this trade, it had to contend, under the greatest disadvantages, with the rival and favourite manufacture of France. The proximity of the latter country to Italy, her domestic growth of the raw material, and the possession of machinery far surpassing, in its application to silk, any hitherto employed in this country, gave to France, for a long series of years, such predo-



“ That these acts totally prevent the use of improved machinery; it having been ordered by the magistrates, that works, in the weaving of which machinery is employed, shall be paid precisely at the same rate as if done by hand; thus, while every other branch of our national manufactures has enjoyed the full advantage of this powerful auxiliary, and while improved machinery has been kept in full operation, by our foreign rivals, the London silk loom, with a trifling exception, remains in the same state as at its original introduction into this country by the French refugees. Your petitioners beg to state that they are in possession of improved machinery ready to be applied to several important works, but which they cannot use with success or profit, while under the restrictive operation of these acts.

“ That the fixed rate of wages which, under all circumstances, the manufacturer is bound to pay, has had the effect of compelling him, whenever a stagnation in the demand takes place, immediately to stop his looms; and the distress consequent on such a suspension of work has been manifested by the appeals repeatedly made by the districts concerned in this manufacture to the charity of the public, and to the aid of parliament.

“ That the inevitable tendency of the provisions of these acts is, to banish the trade altogether from the vicinity of the metropolis, strong symptoms of which are manifesting themselves every day. Many works of the first consequence, which would have afforded employment to thousands of hands, have already been transferred to Norwich, Manchester, Macclesfield, Taunton, Reading, and other towns, where they are performed at from one half to two thirds of the price for which under these acts they can be made in London, Westminster, or Middlesex.

“ That the removal of the entire manufacture from the metropolis, which your petitioners deem inevitable if these acts be allowed to continue much longer in force, cannot but be considered as a great and extensive calamity, involving the destruction of large capitals, long invested, and hitherto productively employed; and consigning to distress a numerous population, which it would be impossible to remove, and which for a long period has depended upon the London silk manufacture for the means of subsistence. That even if the removal of the trade could be effected without entailing upon thousands

the ruin and misery here anticipated, yet your petitioners respectfully submit to your honourable House, that such an event would still be most undesirable; the neighbourhood of London being, from its proximity to the largest market and to the seat of fashion, the most eligible and appropriate spot on which this manufacture could be conducted.

“ That several of your petitioners were examined on the subject of these acts before the select committee of the House of lords, appointed to inquire into the means of extending the foreign trade of the country in 1821, when, after a full and complete investigation, their lordships are understood to have reported ‘ that unless some modification takes place in this law, it must be, in the end, ruinous to the silk manufacture of Spitalfields, and as injurious to the workmen, as it will be to the employers;’ which report your petitioners are informed, was afterwards laid upon the table of your honourable House, and to which report, and the evidence on which it was founded, your petitioners respectfully beg to refer, in proof of the foregoing allegations.

“ That, in the experience of your petitioners, these acts have frequently given rise to most vexatious regulations, the unconscious breach of which has subjected manufacturers to ruinous penalties; that these provisions have prevented the introduction and improvement of all machinery by which labour might have been facilitated and cheapened, and prevent your petitioners from affording relief to their workmen in times of stagnation of trade, by compelling your petitioners instantly to stop their looms; and that the operation of these acts is rapidly banishing what yet remains of the trade in Spitalfields, to places which are free from such restrictions.

“ That, notwithstanding these and other grievances to which your petitioners are subjected by the operation of these acts, still it is not so much their desire to seek relief from their operation in the particulars lastly stated, as to be exempted from the arbitrary, injurious, and impolitic enactment which prevents them, while they continue to reside within certain districts, from employing any portion of their capital in such other parts of the kingdom as may be deemed most beneficial; thereby depriving them not only of the fair exercise of their privileges as free subjects, and totally preventing all the

public benefit which would arise from a competition between the London and the country manufacturers. But allowing them also of all sorts of over-participating in the foreign trade of the Empire.

"Your petitioners, therefore, most humbly pray your honourable House, that for the reasons and under the circumstances hereinbefore set forth and referred to, the several acts of the 1st George 3rd cap. 68, the 2nd George 3rd cap. 44, and the 3rd George 3rd cap. 7, in so far as they relate to the manufacture of silk, or of silk mixed with other materials, may be repealed: or that your petitioners may have such further or other relief in the premises, as to the wisdom of your honourable House may seem just and proper, and their case may require—

And your petitioners shall ever pray, &c.

Mr. Ricardo could not help expressing his astonishment that, in the year 1823, those acts should be existing and in force. They were not merely an interference with the freedom of trade, but they cramped the freedom of labour itself. Such was their operation, that a man who was disposed to embark in the trade could not employ his capital in it in London; and, as it might be inconvenient in many instances to carry that capital out of London, the trade was necessarily cramped and fettered.

Mr. Wallace perfectly agreed in thinking the acts unjust to the merchant, unjust to the manufacturer, and, above all, unjust to the workmen. He thought them a disgrace to the Statute-book.

Mr. Huskisson fully agreed in the propriety of repealing the acts. He could only account for the existence of such statutes by their having been passed at a time when the silk-trade was almost confined to Spitalfields. Since the manufacture, however, had been carried into other parts of the country, the provisions of those acts must be got rid of, or Spitalfields would be deserted. His attention had been drawn to the subject almost immediately upon his coming into office; but he had abstained from bringing forward any specific measure, because he wished to convince the manufacturers first of the necessity of an alteration. Some prejudice, and indeed, a good deal, still existed among the workmen; but the House really ought to act for them without reference to those prejudices. It was his

intention, in the current session, to propose a measure in the House for the repeal of the acts in question.

Lord Melton rejoined it was wonderful to suppose that in the numerous sessions, and numerous years the necessity of passing a law upon new silk manufacture, &c. had not occurred. A bill was passed under new silk manufacture, and in the next year, a bill was passed upon the exportation of manufactured silks. Now, great difficulty was found in reconciling the trade, particularly upon points connected with silk mixed with other materials. Would it not be wise and generally convenient, to get rid of the acts in the same manner, and the subject in the same way?

Mr. F. Baines rose and declared his decided support of a measure that a compromise with its better would lead to better the condition of all connected with the trade, and of more than that the workmen.

Another Member rose secondarily to the petitioners' petition of the day, which he hoped to see repealed, and stated that the trade would be relieved from the duties on raw silk.

Mr. W. Williams said that the restraints of the existing law had driven out considerable traffic in the silk-trade from Spitalfields to Norwich.

Mr. Ellis moved that the parties who supported themselves interested in the existing restrictions should be allowed time to petition.

Mr. Huskisson said, he would propose his resolutions on Monday, and leave it to bring in a bill for an alteration of the law, in the different stages at which the parties alluded to would have sufficient opportunity to present their petitions.

Ordered to lie on the table.

SCOTCH LINEN MANUFACTURE. The House having received and read a committee on the Scotch linen manufacture acts.

Mr. Huskisson said it was his intention, in proposing that committee, to move for the repeal of several statutes which imposed regulations injurious to the trade. These statutes had been passed at a time when the House was in the habit of interfering with the business of individuals. The 13th of George the 1st was in itself a striking instance of the absurdity of such enactments. It professed to regulate, not only the shape of the cloth,



but the number of threads in every hank of yarn. Another object of the bill would be, to abolish the use of the stamp on linen, which was found to be an instrument of fraud instead of a security against it. If, however, there were any so prejudiced in favour of the custom as to wish to preserve it in their manufacture, the bill would leave them free to do so, removing, however, all the penalties from those who wished to dispense with it. The right hon. gentleman concluded with moving, that the chairman should be instructed to move for leave to bring in the bill.

Sir *R. Fergusson* expressed his thanks to the right hon. gentleman for the pains he had taken to remove the vexatious enactments under which the trade had so long suffered, and declared his conviction that the intended measure would be received with satisfaction and gratitude by the people of Scotland.

Mr. *Maberly* concurred in approving of the measure, but regretted that it should be found necessary to continue for a single day so useless an expence as the stamp commissioners. He trusted, however, that they would be enabled to put an end to that board in the next session of parliament.

Sir *H. Parnell* thought, that as the same system must produce the same evils in Ireland, the benefit of this measure ought to be extended to that country.

Mr. *Hume* agreed that it would be an advantage to Ireland; but as there were prejudices in that country which might throw obstacles in the way of its execution, he thought the right hon. gentleman had done right not to mix up the case of the two countries.

Mr. *Ricardo* thought, that if it could not be done at present, it ought as soon as possible to be extended to Ireland.

Leave was given to bring in the bill.

**SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.]** The House having again resolved itself into a Committee of the whole House to inquire into the Conduct of the Sheriff of Dublin, sir Robert Heron in the Chair,

Mr. *John Jackson* was called in; and examined

By Colonel *Barry*.—What is your situation?—A jeweller and Tunbridge warehouseman, in Grafton-street, Dublin.

Do you recollect being present at any party, at the house of Mr. Sibthorpe?—I do. On the 17th of December; there were present,

Mr. Sibthorpe, jun., Mrs. Sibthorpe, Miss Sarah Sibthorpe, Mr. Thomas Sibthorpe, sheriff Thorpe, Mrs. Thorpe, William Graham, myself, and John M'Connell.

Did you hear sheriff Thorpe make use of the expressions, that he had an Orange panel in his pocket, or any words to that effect?—I did not.

You are very confident that no such expression was made use of that night, as long as you were there?—Perfectly so.

Did sheriff Thorpe talk any thing about the forming of a jury or a panel, or any thing else of the kind?—Not a word on the subject.

Do you suppose M'Connell could have heard any expression which you did not?—I am sure he could not.

By Mr. *Jones*.—At what time did this party begin in the evening?—About  $\frac{1}{2}$  past 8; I remained till about  $\frac{1}{2}$  past 11.

Do you mean to say, that for all those hours you sat nearer sheriff Thorpe than M'Connell did?—I mean to assert it.

Were there cards playing in this room?—Some part of the night.

Do you mean to say that you heard every syllable that sheriff Thorpe uttered on that night?—I am very certain I heard all that could have been said, unless it was whispered.

By Colonel *Barry*.—Such a remarkable expression as that must have attracted your attention if it had been made use of?—Most undoubtedly it would.

By Mr. *R. Smith*.—Was there any conversation whatever respecting the trials about to come on?—It could not be possible. It was not known whether the trials would commence or not, at that period.

Was there no conversation at all about the riot?—There was.

Did you hear sheriff Thorpe utter any sentiment of approbation, or of commendation of what had been done?—I did not.

Did you hear any body say a word about marquis Wellesley?—Not one person.

Do you recollect holding the knave of clubs in your hand?—I did not, on that occasion.

Do you know any body who did on that occasion?—I do.

Do you recollect his playing it?—I do.

What did he say?—He made a reflection upon the lord mayor. I believe it was tantamount to damning the lord mayor.

Do not you recollect that some person said, "I wish I could have a lick at him?"—I do not recollect that part.

What sized man was he who used that expression?—Short.

What was his name?—William Graham.

Did any lady remind him that he was a very little man?—I believe I do remember an expression of that import.

What did the lady say?—That she thought his expression was very extraordinary for a man of his stature to make use of respecting the lord mayor.

Are you a conciliation-man, or a Protestant?



unintentionally, or a purpose, or what?—  
I am in favour of intentional misconduct.

By Mr. Thompson.—During the course of the trial, did you observe there was no personal contact between Mr. Graham and Mr. Sheriff Thorpe?—No, there was not.

What called your attention particularly to the matter, and in what relative position?—From a question I received asked of Graham, relative to the transactions of the evening.

What was that question?—Asked him if it was a fact that a bottle was thrown: and he answered: he did not distinctly recollect.

How do you measure the probability of recollecting that position?—They were standing with their backs against the wall.

How do you measure the probability that a person might?—From an expression that Mr. McConnell made at the time.

What was it?—He made use of some general reflection upon the misconduct of those that were accused the evening of the riot.

By Mr. E. Smith.—How long was it after this evening, that you heard Mr. McConnell make such an expression as he used at Mr. Schermer's, as has been put at you?—I am confident it was less than a week.

By Mr. Parnell.—Did you not direct attention to Sheriff Thorpe's name at any other person in the room during that evening?—No, I did not.

By Mr. Graham.—What was that time was to say, that he recollects it the evening of that evening, could have said any thing without your hearing it?—I think it is impossible.

Did you not hear some person say, "I wish the devil had the monstrous Walsley?"—I did not.

By Sir G. Hall.—You heard, within a few days after you had been in the company, that it had been stated by Mr. McConnell, that Sheriff Thorpe should have made this declaration about his having the Orange sash in his pocket?—I can hear it, in a very few days after.

Did that tend to call your attention more particularly to all that had passed in that company?—It led me to endeavour to recollect more minutely than I otherwise should have thought necessary.

By Mr. Thompson.—Who commenced the conversation about the riot at the time?—Sheriff Thorpe and Graham first commenced a conversation upon that head.

By Mr. F. Baxter.—What was the general expression, relative to the conduct or misconduct of the rioters, that Mr. McConnell made use of?—I do not recollect it; but I considered it so at the time.

What was the question you asked Graham respecting the rioters?—Whether a bottle had been thrown.

What was Graham's answer?—I think he said not: that it had not been thrown.

How happens it, that you forget the general expression made use of by Mr. McConnell; you are not certain to the answer of Graham; and yet,

and that was recollecting every circumstance of the night Sheriff Thorpe, during the evening?—I am not certain of every circumstance.

By Mr. Thompson.—Did you think that there was anything that Mr. McConnell said, which you were then not certain of?

—No, after that.

Did you not say whether Sheriff Thorpe was in the room when the attack took place, whether you were there, and whether it was Sheriff's side or not?

—Yes, Mr. McConnell said before that time.—No.

Are you now as sure Mr. McConnell said that the time after you were with Sheriff Thorpe, it was not long after Sheriff Thorpe came into the room after you?—I am not sure of the consequence of Sheriff Thorpe's coming to the case of the.

—Well, having together the great expression used by Mr. McConnell, and having together in the same manner in which the expression was used, now I have a doubt that what was said in recollecting the position of the different persons in that room: was Mr. McConnell's general expression, and your question about Sheriff Thorpe.—At the time, I was mistaken if Mr. McConnell giving the information that was stated in the conversation as recollecting as many of the many would serve me, the positive is every person, and as much as the as I could recall it now.

You never mentioned it recollecting the answer in the conversation about Sheriff Thorpe, or the general expression of Mr. McConnell?—The answer I heard about the bottle was as I said before, that I was not certain.

How long have you been sure that he said it was not Sheriff Thorpe?—Ever since he made use of the expression. I have no reason in my mind, recollecting more than I should: the manner which the conversation occurred.

That is the reason in my recollecting the recollecting the position of different persons at that time, the conversation which was said was that they were then recollecting what passed between Sheriff Thorpe and Mr. McConnell?—The reason was, I was mistaken in the statement of Mr. McConnell, in making use of expressions never uttered.

What expressions you have now forgotten?—A minute of the conversation. I think it was said, that Mr. McConnell said, "I am not certain of the conversation that night."

That Mr. McConnell said that made use of an expression that night?—That was as I considered as expressing to Graham.

And those you forget?—I cannot recollect precisely; I considered it that manner, that was a general expression.

Did you go away before Sheriff Thorpe left the party?—After.

Who were you with you?—I think Graham and Mr. McConnell and myself went out nearly at the same time.

Did sheriff Thorpe go away alone, or any body with him?—His wife was with him.

By Mr. *Sykes*.—You stated, at the early part of your examination, that you did not recollect the answer that Graham gave to your question; you have subsequently stated, that you do precisely recollect what that answer was; to which of those answers of yours do you adhere?—That the bottle had not been thrown.

Then why did you state, at the commencement of your examination, that you did not recollect what that answer was?—If I said so, I must have had made a mistake; I did not intend it.

If you do not recollect his expression, which you call a gross one, why do you term it a gross reflection?—If I might be allowed to answer in a general way, I would prefer to forget all gross expressions.

What made you term it a gross expression?—I consider all expressions gross, that are not grammatically correct, for instance.

Is that the answer you mean to stick by?—It is not a good one, but it is for want of recollecting a better.

Do you mean to say, that your credit is to rest upon the credit due to that answer?—By no means.

If sheriff Thorpe made use of the expression, that he had an Orange panel in his pocket, should you have considered that a gross expression?—I should indeed.

Do you adhere to the opinion, that you heard, and that, having heard, you must have recollected every expression made use of in that company?—I do not mean to say that I could recollect all the expressions made use of in that company.

Mr. *William Graham* called in; and examined

By Colonel *Barry*.—What is your situation in life?—A printer.

Were you in company at Mr. Sibthorpe's, shortly after the riot took place at the theatre?—I was.

Do you recollect who the company consisted of?—Mr. Sibthorpe's family, myself, a Mr. Jackson, a Mr. M'Connell, and Mr. Sheriff Thorpe and his lady.

Were you or sheriff Thorpe in the room first?—Mr. Sheriff Thorpe.

Was M'Connell or you in the company first?—I believe I was.

Do you recollect sheriff Thorpe making use of any expression relative to the panel of a jury?—No.

Do you think that if any such expression had been made use of in your presence, it would have attracted your notice?—I should think so.

Are you very certain that no such expression was made use of by sheriff Thorpe, in your hearing?—Certainly not in my hearing.

Do you think that if it had been made use of, in the common tone of conversation, you would have heard it?—From the size of the room, I should think so.

This was three days after the riot, was not it?—It was.

Did you, or sheriff Thorpe quit the company first?—Sheriff Thorpe.

Did you, or M'Connell quit the company first?—We retired together, I think.

After you left the room, sheriff Thorpe and M'Connell were not together?—Not that I can answer.

By Mr. *Brougham*.—You had an ex-officio information filed against you, for a riot at the theatre?—I had.

Was a bill preferred against you before the grand jury, upon that subject?—Yes.

Was it ignored or found?—Ignored.

Have you been with the other witnesses at all since you came?—In the apartment in this house.

Have you ever, before any person, spoken abusively respecting those witnesses, who deposed against the sheriff?—Yes.

Do you know one serjeant Harris?—I have seen him.

Did you not speak so of those witnesses, that the serjeant said, "you deserved to be ducked?"—No.

Then what did he say about ducking you?—His words were "If you are heard to say those expressions, you might be ducked."

That was with reference to the expressions you were using touching the witnesses?—It might have been so.

It was after you had been speaking respecting the witnesses?—Not respecting the witnesses generally speaking, but persons similarly circumstanced.

To whom similar?—The expressions I made use of were as to a similar description to those in Dublin; that if persons in Dublin heard me use those expressions, I might be ducked or thrown into the Thames.

Were those expressions that you talk of, which created that conversation, in the serjeant's opinion, applied to the witnesses?—No.

To whom were they applied?—Generally to persons of bad character.

Then you talked abusively of persons of bad character in general?—Yes.

And the serjeant said, that if you went on talking against people of bad character you might be ducked; was that so?—I should suppose it was meant so.

When you were in the witness room, had you a cane in your hand?—Yes.

With a sword in it; what is called a sword-stick?—No.

No sword-cane or sword-stick?—I had not one of my own.

Had you one in your hand belonging to any body else?—I might.

Have you any doubt you had?—No.

Were not you flourishing and brandishing it in the witness room?—I might.

Did not you say while you were in that conversation, with that sword-cane, that you would do some execution before you left London?—I might.

Chairman.—Witness, you do not appear to have a proper consideration either of the place

in which you stand, or of the importance of being examined, touching the subject in consideration before the House; I recommend you to give more proper, respectful and direct answers.

By Mr. *Brougham*.—Did you attend particularly to every thing that fell from Mr. Thorpe at Mr. Sibthorpe's that night?—No, I did not.

Mr. M'Connell was there?—He was.

There was not any conversation about who threw the bottle?—Not that I heard.

You heard every thing that passed?—I think I did.

Did you hear Mr. M'Connell in conversation with any body?—Not particularly.

He never used any gross expression or made any gross reflections upon any body in your hearing?—No.

There were cards playing that evening, were there not?—There were.

The whole party played together, did they not, at the table?—I think so, I think I did.

Whom did you go away with?—I went to the door with Mr. M'Connell and Mr. Jackson.

And you left Mr. Sheriff Thorpe in the room?—No.

He had gone before?—Yes.

M'Connell was in the room before you came?—Yes; I think to the best of my recollection, he was.

By Mr. *R. Smith*.—Do you recollect when you were at cards, playing the knave of clubs, and using any expression when you played it?—Yes.

State what your expression was—.“ There is the lord mayor.”

Was there not more?—“ And be damned to him,” I think.

Was that all?—Positively no more.

Was any observation made to you upon your saying so?—I cannot possibly recollect; there might.

You do not recollect any of the ladies saying any thing to you?—There might, I cannot positively recollect.

Was Mr. Sheriff Thorpe playing with you at that time?—I believe he was.

Did he say any thing to you?—I do not recollect indeed.

You are frequently in the habit of damning the lord mayor?—I have done so.

Did you ever damn the lord lieutenant?—Never.

You did not that night?—No.

You did not wish him at the devil?—No.

Did any man there wish him at the devil?—No.

Did you wish him in heaven?—No.

Did you hear his name mentioned that night?—I did not, certainly.

Did you hear any conversation about the riot that evening?—No.

Did nothing pass in your company respecting the riot in the theatre?—Most certainly not.

Were you one of those men who were sent

to gaol for conspiring to take away the lieutenant's life?—No.

Had you any suspicion at this house of Sibthorpe's on this occasion, that you charged with having been a rioter at the theatre or implicated in the charge of having been a rioter?—None in my life.

How long after this evening at Sibthorpe was it that you knew you were so charged?—A week.

Are you an Orangeman?—I am.

Do you know whether the persons who were tried were all Orangemen?—One I know to be an Orangeman, Forbes, and Brownlow [The Witness withdrew, and the sergeant at arms was ordered to keep him apart from other witnesses.]

The right hon. *W. C. Plunkett*, Attorney General of Ireland, examined in his place follows:

By Colonel *Barry*.—Will you have the goodness to look at that letter—[letter signed and W. Kemmis, produced yesterday]—was that letter written by your direction?—Certainly.

What was the cause of your directing that letter to be written?—An apprehension that entertained, that the sheriff, who, according to the routine of office, would have to return the jury, was a partizan, and had made declarations with respect to the mode of preparing the panel.

And therefore you wished that the other sheriff should join in preparing the panel?—Just so.

What nature of panel would you have wished to have had to try the issue?—I should have wished, if possible, that there should have been a panel of unprejudiced persons; if that was not to be obtained, I should wish a panel composed partly of persons of all opinions, and not confined to persons of any one opinion.

Would you have thought, that a man's being an Orangeman, would have been a sufficient objection to his serving on that panel?—I certainly would, it would have been an objection in my mind; I should have thought the return of a jury of Orangemen would have been a gross violation of propriety, and would have excluded any reasonable chance of justice being properly administered.

Mr. *Wetherell* rose to order, and objected to the attorney-general for Ireland being examined in a case which involved his professional character.

Colonel *Barry* said, that he should not have examined the right hon. gentleman without first obtaining his consent.

Sir *G. Hill* said, that unless the examination was to ascertain some specific fact, he must object, on the ground of public convenience, to the attorney-general's examination in this manner. He was the law-officer of the Crown, and had, in some

degree, the whole of the police of the country under his observation. It would be most inconvenient to call upon such an officer to state the information which his situation enabled him to command.

Mr. *Wynn* had no objection to the examination of the right hon. gentleman, but thought that any inquiry, having for its object the sort of jury that ought to have been empanelled, would be highly injudicious.

Colonel *Barry* felt himself placed in a very painful situation, but painful as his duty was, he would not shrink from it. If the house thought fit, through any overstrained delicacy, to interfere, he must submit; but till they did, he should persevere [Hear, hear]. He now wished to ask the right hon. gentleman whether he had ever had an opportunity of seeing the rules and regulations of Orangemen?

Mr. *Plunkett*.—I do not know exactly what is meant by the question; I have had an opportunity of seeing a printed book, containing the rules and regulations of Orangemen, and I have had an opportunity of seeing extracts from books, containing rules and regulations of Orangemen; in that sense I have seen the rules and regulations of Orangemen.

Mr. *Wetherell*, before the house proceeded further, begged to rise to order.

Mr. *Plunkett* begged his learned friend's pardon. The present investigation he conceived to be into the conduct of Mr. *Sheriff Thorpe*, and any question touching that matter he would willingly answer to the best of his power.

Mr. *Wetherell* repeated his objection, and added, that in the whole course of his parliamentary experience he knew of no case in which an attorney-general, on such an examination, seeing how intimately he must be connected with the prosecution of the inquiry, would not of necessity, be a witness against himself. His objection was to the irregularity and inexpediency of such an examination, and was not founded on any apprehension arising from his fears for the honour, the candour, or the ability of the right hon. gentleman. He was convinced it would be most inadvisable to pursue this examination.

The Attorney General thought that his right hon. and learned friend, like any other hon. member, was liable to examination by the house, on any topic connected with the pending investigation, unless the question put should be an improper one. As far as the inquiry had

yet gone, he had heard nothing that was objectionable.

Sir *J. Mackintosh* observed, that they were not called upon prospectively to decide whether such or such a particular question would be an improper one to put to the learned gentleman, but whether, as attorney-general for Ireland, he ought to be examined at all? In his opinion, the learned gentleman ought not to be examined.

Mr. *Abercromby* said, that the course of the examination pursued in order to ascertain what the conduct of Orangemen had been, was perfectly right; but it was quite a different thing to examine the attorney-general for Ireland, whether he had become acquainted with the oaths of Orangemen, and whether he had adopted any proceedings in consequence. This would be in fact nothing less than asking for the legal opinion of the right hon. gentleman on the question.

Mr. *Plunkett* said, that, in a popular sense, he had no objection to answer the question proposed to him.

Mr. *Scarlett* said, it would be best to proceed in the examination, leaving it to the sound discretion of the right hon. gentleman to refuse answering any question when he saw the propriety of doing so.

By Colonel *Barry*.—Do you know whether those extracts were extracts from the books of the lodge 1612?—I really am not able to say.

Would you object to stating the nature of those extracts?—I have not the least objection; I have a difficulty arising from want of memory, but I have not the least objection so far as I do recollect them.

Were they different in substance from the printed regulations which were laid before you?—No, what I mean by extracts, is names of individuals, and of acts done, resolutions entered into, and things of that description. I have had an opportunity of seeing them, but I cannot undertake to recapitulate them.

Mr. *Thomas Sibthorpe* was called; is and examined.

By Colonel *Barry*.—What is your situation?—A medical student.

Were you present on the 17th. of December when a company was assembled at your father's house?—I was.

Who were there?—My father, Mr. *Sibthorpe*, my step-mother, my sister, the sheriff and his wife, William *Graham*, and John *McConnell*.

Was a man of the name of *Jackson* there?—And John *Jackson*.

Did you ever hear that John *McConnell* made an affidavit that sheriff *Thorpe* said he had an Orange panel in his pocket?—I did.

Did you hear any such expression made use of by sheriff Thorpe?—I did not.

Do you think it could have been made use of without your having heard it?—I do not think it could.

By Sir J. Mackintosh.—Was there any political conversation passed in the room that evening?—The conversation principally turned on the riot in the theatre.

Did Mr. M'Connell take any part in that conversation?—Not more than the rest; I made no remark on his taking part.

Do you remember that he said any thing gross; or threw out any gross reflections on any body in the course of the evening?—I do not recollect that he did.

Do you recollect any conversation about the lord mayor?—It was rather an observation.

By whom?—By Graham: It was during the time we were playing at cards; on throwing down the knave of clubs, he made use of the expression, "bad luck to you, Fleming."

By which he meant the lord mayor?—I suppose so.

Was there nothing said about the lord-lieutenant?—There was no conversation about the lord-lieutenant.

Was there no observation made about him?—The sheriff made an observation.

What was the nature of his observation?—That he wished the marquis Wellesley at the devil.

Was he playing at cards, or was it before or after cards, that he made that observation?—It was when going away.

Did he make that observation loud enough to be heard by every body present?—Those that were at a distance might not have heard it; those that were near him would.

Did you hear any conversation or observation made about the bottle?—No particular conversation do I recollect about the bottle; the bottle was merely mentioned as having been thrown.

Was there no question put to Graham, whether the bottle was or was not thrown?—I do not recollect any.

You are not certain, though you heard that civil remark of the high sheriff respecting the lord lieutenant, that all the other persons in the room heard it?—I can only answer for myself.

Then the sheriff might have made remarks respecting the Orange panel which you did not hear also?—I rather think not, because we were all seated at that time, but this was when he was about to depart.

That was his farewell remark, was it, his farewell benediction?—I cannot say.

How do you happen to recollect so exactly and correctly the precise time at which that remark was made?—I really cannot say how I can recollect it, but by its striking me and my keeping it in my memory.

Do you take upon you to say with absolute certainty that sheriff Thorpe did not use those words about an Orange panel?—I do most assuredly.

VOL. IX.

Supposing another person in the company to have stated to the committee that they heard that observation, supposing a second witness had said he had not heard sheriff Thorpe make any remark about lord Wellesley, might the remark about the panel have been made without your hearing it?—I have said that we were all seated together during the time the remark was supposed to have been made, but that the sheriff was going away, and we were scattered, and possibly some might have been near and some at a distance from the sheriff when the other was made use of.

How do you know when that remark about the Orange panel was supposed to have been made?—I spoke to M'Connell about his having made oath that such conversation had taken place; I waited on M'Connell on the 26th Dec. or the 27th, having heard that he had made such an assertion, and I stated that I had not heard any such conversation take place, nor had any of our family, and that I was willing to make affidavit if necessary; and he replied that he supposed that I thought so or I would not say so.

By Mr. Plunkett.—Did M'Connell say any thing to you which enabled you to state the particular time at which that remark on the panel was supposed to have been made?—No.

By Sir J. Mackintosh.—You have said, that the remark about lord Wellesley might not have been heard by other members of the company, because Mr. Sheriff Thorpe was then near the door, can you take upon yourself to say, that the remark about the panel might not have been made in the room and you not have heard it; what was the difference of circumstances which enables you to say, that the one remark could not have been made without your overhearing it, and that the other might have been made without other members of the company having heard it?—There was no conversation after that.

Was there no conversation very long before that?—The whole night.

How can you say, that the remark about the panel could not have been made during the whole preceding period of the visit, by Mr. Sheriff Thorpe at your house, and you not have heard him; what is the difference between that remark and the other?—On sheriff Thorpe's departure, I stated, that the company were up in various parts of the room, and that no conversation occurred after that; so that it could not have occurred after that, because he went away.

Might not sheriff Thorpe have made that remark about the panel before that remark which he made about lord Wellesley?—We were seated; unless in a very low tone, or rather in a whisper, it could not have been made.

During the whole period, from the entry of Mr. Sheriff Thorpe into the room, till the moment of his going away, it could not have been made without your overhearing it?—Unless it was made in a confidential tone. The room was so small.

M



By Mr. Peel.—When you were asked first, how you happened to know the particular part of the evening at which this remark was alleged to have been made about the panel, you went on to say, you had a conversation with M'Connell; what was that conversation; did M'Connell tell you any thing that helped you to fix the time when he stated that remark to have been made?—I said he did not.

Did you or not mean to allude to a particular time of the evening when that remark was supposed to have been made?—I said that after the observation alluding to the marquis Wellesley, Mr. Thorpe went home.

Have you read M'Connell's evidence that he gave before this committee?—I have in the paper.

M'Connell states, does he not, that it was made at a certain period of the evening?—Yes.

Does not he state that that expression was made use of by sheriff Thorpe, soon after you passed him in the room, and said to him, "When will these poor fellows be brought to trial?"—So I read.

At what time did the party begin?—About eight.

At what time did you sit down to cards?—Some short time afterwards.

How long did you continue playing at cards?—Till about eleven.

How soon after the card party had finished did sheriff Thorpe leave the room?—Almost immediately.

By Mr. R. Smith.—To whom was it that sheriff Thorpe made that observation about the marquis Wellesley, was it to yourself?—It was rather generally, I should think.

Was this the first time you had heard the marquis Wellesley's name mentioned that evening?—Except about the riot at the theatre, no conversation relative to him.

This was the first observation you heard made in his praise or his dispraise?—Yes.

Did not you consider it a little extraordinary that for the first time, just as a man was going out at a door without any thing to lead to it, he should say, "I wish the lord lieutenant was at the devil"?—Indeed, I do not know what I thought of it.

Is it to be understood that it was uttered just like a grace after dinner, without anything introducing to it?—Indeed I do not know.

Did not you hear sheriff Thorpe express any wish that lord Wellesley was out of the country?—No, I did not.

*John Crosby Graves, esq.* was called in; and examined

By Colonel Barry.—What is your situation in life?—I am a barrister and magistrate of the head office of police in Dublin.

You recollect the riots that happened at the theatre, on the 14th December?—Yes, I attended at the theatre on that night.

There were certain persons accused of having been active in those riots?—Yes.

First of all there were two persons taken up for that?—I understand three, two Handwiches and George Graham.

Did you commit those persons?—No; those persons were carried to the office of the sixth division; the police division in which the theatre is; they were there examined, and the informations taken in that office.

Do you recollect, when Forbes' was first named as a rioter?—He was first apprehended in the theatre by myself.

Was he detained then?—He was not then detained; he was taken to the watch-house; he there gave bail, under my direction; and on the following morning, there were no circumstances at the time of sufficient importance, to be considered a foundation for any serious charge.

He was afterwards accused of rather a serious charge; do you recollect what that charge was?—The charge was of a conspiracy, to kill and murder the lord-lieutenant.

Was not the state of public feeling in Dublin considerably exasperated?—It was very highly excited.

In a case of high exasperation of public feeling, do you not think there is a considerable difficulty in obtaining a panel of fair and impartial men to judge a question of that nature?—I should conceive so.

Do you think the committal of Forbes, for that capital crime, tended to increase that exasperation?—It was one of many circumstances that might so contribute.

Did you commit Forbes for that crime?—I did not sign the committal for Forbes.

Was it ever proposed to you to sign his committal?—No; there were grounds why I think it was not proper for me to sign that committal, nor the other two committals for the capital charge. The two informations respecting the other prisoners, and the facts respecting them, were deposed to in the sixth divisional office of police, the College-street office; the informations against one of the Handwiches, Henry Handwich, and George Graham, against whom there were capital charges preferred, were sworn in that office; the informations not being before me, it was not for me to sign them; I sent for the magistrate of the office, before whom they had been sworn; he had the informations before him, and he signed the committals against those two men; in the case of Forbes I was myself a witness; I had apprehended him, I had made an information which was part of the evidence to affect him, and it did not strike me as at all proper for me to be the committing magistrate.

Had you any other reason for not signing that committal?—I had made a statement in the way of deposition against him, on facts coming within my own knowledge at the time of his apprehension; and I mentioned it to my brother magistrate, as a reason why I should not be the magistrate to commit.

Did you subscribe the information upon the

capital charge?—I subscribed one or two informations, which seemed to me afterwards, when attending upon the trial before the petit jury, to be one of the principal informations affecting him, with respect to a conversation taking place after the performance at the theatre, and giving a more serious colour to the case than it had struck me in, when I had apprehended him.

Did you subscribe the jurat of the information upon which the capital committal took place?—I cannot say that; I subscribed one information, as to a transaction taking place in Essex-street, after the representation was over, which I believe was of as serious a nature as any other information sworn, except that another party, who was present at the same conversation, and who did not swear the information before me, did recollect that conversation, I believe, more fully, and did state something which more considerably affected Forbes, than did the informants who gave the information before me.

Did any information which you subscribed warrant a committal on a capital charge, in your opinion?—If I had had the case before me in the ordinary way, simply upon the informations that were sworn before myself individually, I should not have shaped a capital committal on anything which had been deposed to before me.

Was it proposed to you to commit upon the capital charge upon those informations?—I got no immediate direction upon the subject; one of my brother magistrates came into the office and stated, that it was directed that three of the persons charged were to have capital committals made against them; he came from the council-chamber, and he stated that it was by the attorney-general, or by the law officers, I do not know which.

Were you required, or desired, to sign those capital committals?—No, that was all that passed upon the subject, in the way of a direction; the committals were then framed accordingly.

Would it be likely for a sheriff to talk of his having a panel in his pocket, before the offenders had been committed?—I should think, speaking *a priori*, it would not have been likely.

*William Leadour* called in; and examined

By Colonel *Barry*.—Did you know a man of the name of James Ormsby?—I did; he is dead.

Shortly previous to his death had you any conversation with him?—I had; in the beginning of March, I called upon him for the purpose of getting a book of mine which I heard he had: I found him in a very dangerous state of health; when alone in his room, and speaking with respect to the termination of the trials for the riots at the theatre, he said, "The lads have come off much better than might have been expected, they little knew that it was poor James Ormsby, who will be soon going to Davy Jones, who threw the pieces of wood."

Did he die shortly after?—In the course of a month.

Was he a low sallow man?—He was.

Do you know whether he had made that communication to any body else?—I have heard he told it to George Graham, the person who was accused of having thrown those missiles.

Do you know why your friend supposed those lads had got off better than might have been expected, if they were not the persons?—I should presume by their not having been found guilty.

At the time you had the conversation with Ormsby, did he appear to you to be apprehensive of his approaching dissolution?—I am decidedly of opinion, that it was under that impression he made the declaration to me.

By Mr. *Goulburn*.—Had your friend Mr. Ormsby been long ill?—He had been in a bad state of health a good while, nearly a year.

Was he in the habit of attending the theatre?—I cannot say.

Had you seen him frequently before this?—I had seen him as a visitor in the prison of Newgate, where the traversers were confined; I went to see Mr. Forbes at the time he was confined there.

Did Ormsby go there for that purpose?—No; but for the purpose of seeing the Handwiches.

Do you suppose he would state to Handwich that he threw the rattle?—Indeed, I would suppose so.

Do you think it likely Handwich would keep that secret?—I think it probable he would.

Was not it possible to get evidence, that Ormsby had thrown the bottle?—I was not in the theatre, and cannot state what passed there that night.

Do you remember making any inquiries about a person of the name of Farrel?—I do perfectly.

Who was examined as to the throwing the bottle?—Yes.

What inquiries did you make concerning him?—Sometime in the last week of December, a person called on me and stated, that he had heard Farrel say, at the door of the police office, in College-street; that, thank God, his oath was taken, and now they should have satisfaction of the bloody Orangemen. I having a wish that matters should be set in a fair way, and that the parties accused should be honourably acquitted, inquired who Farrel was, I found out his occupation and residence; and the person who made this communication to me, I requested he would go to his abode to recognise him; on the day of the trial, he went there, and returned to me, and told me, it was the same person; and that if he would come forward and swear that Handwich was the person who threw the bottle, he was ready to swear that he had made use of this expression at the door of College-street police office.

Was that person examined?—He was not called.

By Mr. *Brougham*.—Were you intimate with the prisoners?—I was particularly intimate with Mr. Forbes, Mr. W. Graham, and Mr. Brownlow.

You are what is commonly called an Orangeman?—I am.

Are you a purple-man?—I am.

You have taken the Orange oath?—I have.

And the purple oath?—Yes.

Were you intimate with Mr. Ormsby?—I was not; I had seen him about a year back; but I never spoke to him in my life, till the time the traversers were in confinement.

At that time Mr. Ormsby was very ill?—He was, but was able to be out.

Then when he talked about the Mr. Jones, in the way you have described, he had not the prospect of death?—I did not mention Mr. Jones.

Davy Jones?—Yes; that was in the month of March; I am speaking of the last week in December.

When had you that conversation with him?—The time he made use of that expression to me, was the first week in March.

Was he very ill then?—Very ill indeed; he was sitting up to have his bed made, he never left his room after that.

Was he in that state of mind, that a person usually is in the prospect of dissolution, when he used the expressions which you have just stated?—I consider him to be perfectly in that state of mind, so much so, that a clergyman had been with him, I believe, an hour before.

What made you so anxious that the prisoners should be honourably acquitted?—Being a particular acquaintance, I felt sorry that an imputation of the kind should be made against them.

You felt no peculiar interest in consequence of their belonging to the same system as yourself?—Certainly; I considered that the same odium would be brought against the system, and that, together with my individual feeling for them, roused me to exertion in their favour.

*Robert Gilbert* called in; and examined

By Colonel *Barry*.—What is your situation in life?—I am the under gaoler of Newgate in Dublin.

Do you recollect any person coming to the gaol of Newgate, for the purpose of seeing the prisoners who were confined for being concerned in the riot at the theatre on the 14th of December?—I do.

Do you recollect any person pointing out one of them, as the man that threw the rattle?—I do.

Who was that person?—I have heard since that it is a Mr. Lewis.

Whom did he identify as the person who threw the rattle?—A man of the name of Ormsby; a man in the last stage, as I thought at the time, of a consumption.

Major Tandy was present at this?—He was.

When did this take place?—I think the day or the day but one after the prisoners were fully committed.

Lewis pointed out Ormsby as the one who threw the rattle?—He did; there were about ten prisoners in the yard where the man was; I was asked to show the prisoner Graham which I declined doing: I said it was not my practice to show any man singly, but I would show the yard where he was; I brought them up to an eminence and said, "Gentlemen, the prisoner is in that yard." Ormsby was talking to Matthew Handwich, and he pointed over his finger and said, "That is the man." I was greatly astonished, and after some little delay, said, "Sir, I think you are mistaken, for that man is not one of the prisoners." He then seemed to be more positive as to his dress than to his features.

You are sure that major Tandy was in a situation to hear all that passed?—Certainly, he was not further than this gentleman from me.

Did not you point out Graham to Lewis?—Not till after he had asked me if I would show him, and I said I would then.

You are positive he pointed out Ormsby in the first instance?—Certainly.

What passed when Lewis pointed out Graham?—There was some conversation between him and major Tandy, which I did not mind; Mr. Tandy being a magistrate I did not interfere between him and Mr. Lewis.

Did not Mr. Lewis say something to you upon the subject?—No, I think not.

Did any other persons apply to you to point out Graham to them?—No, not Graham.

Or Forbes?—The prisoners in general, I was asked to show them all; I recollect on new year's night there came the crown solicitor to the gaol, with a gentleman whose face was covered so that I could not see, and he asked me to bring the prisoners, and to place them in a situation with other persons, that they should be inspected. I brought them all down into one of my own apartments, and placed them in a room, and the gentlemen walked up into the room, and the gentleman who came to identify them; I recollect, identified a man of the name of Davern, who was in custody for forgery for a length of time before; I then told the gentleman he must have been mistaken, for that person was in custody for a long time before the riots in the theatre; he then requested I might bring down Forbes and show him; I told him I did not think that would be right, that he was in a most conspicuous place in the room, and I did not think it would be treating him well to show him singly.

Did you afterwards learn who that gentleman who was muffled up was?—A Mr. Vignoles, one of the lord-lieutenant's aide-de-camps.

Did not you consider it a circumstance of some considerable importance, when Lewis pointed out Ormsby as the person who had thrown the rattle?—I did.

Was the circumstance of its being in major Tandy's hearing, a circumstance that made you think it was unnecessary to make it known to persons in authority?—Yes.

Major Tandy is a police magistrate?—Yes.

On what day did this take place?—I think a day or two after the prisoners were fully committed.

By Lord *Milton*.—Do you know who Lewis is?—Sub-sheriff of the county of Kildare.

When Lewis stated, that Ormsby was the person who had thrown the rattle, did he state it upon his own knowledge or common report?—On his own knowledge.

Did he state, that he had seen it?—He did; that he was in some situation in the boxes, that he could see him and had a clear view of him.

He was quite certain Ormsby was the person who threw the rattle?—Yes, he seemed to be quite certain at first; but when I told him, he was not one of the prisoners, he seemed not to be so certain as to his features, but more certain to his dress.

When you told him, that Ormsby was not one of the prisoners, some doubt was thrown upon his mind whether he was the person?—Certainly: and I thought him quite mistaken myself at the time.

Did not Mr. Lewis ask you whether Graham had not changed his dress?—He did.

Did you ever mention to the Handwiches, or any of the prisoners, the fact that Mr. Lewis had pointed out Ormsby?—I went down immediately, and said, "What is your name?" He said, "My name is Ormsby." I said, "There was a gentleman after pointing you out as the person who threw the rattle; were you at the theatre that evening?" He said, "I was at the theatre." I observed while I was talking to him he seemed a good deal agitated. I said, "When you were at the theatre, had you this coat on?" He said, "No, I had not this coat upon me." I asked him this, in consequence of the gentleman seeming to speak more to his dress than to his person.

Did you ever mention to the prisoners that Ormsby had been pointed out as the man?—I did.

Did sheriff Thorpe ever visit the prisoners in gaol, the traversers?—He did.

By Mr. *Ellice*.—Can you account for the reason of your not having been called on the trial, after having acquainted the Handwiches and other prisoners of this error in Mr. Lewis in pointing out any improper person; were you summoned on the trial?—No, I was not, but I attended the trial almost every day.

You were not called?—No; they told me, if that gentleman was produced, it would be then necessary to call on me.

They did not think it necessary to show that Ormsby had been pointed out as the person who threw the rattle?—I suppose they did not, or they would have produced me.

Do you mean to say, you communicated to them before the trial, that a gentleman brought there by major Tandy, had identified another person as the person who threw the rattle, but that they did not produce you?—Yes.

Were the prisoners visited by their counsel or agents between the day of which you are

speaking, and the trial?—They were; and their agent was in possession of that fact; I told it to the agent.

Who were they?—Mr. Fearn was one; and Mr. Chambers was the other.

You were in court when the case was before the petit jury, in February?—Yes; I am obliged to attend all the trials.

Was any thing said about this on that trial?—No, not a word.

By Mr. *Denman*.—Were Graham and Ormsby like in person?—They were alike in height, but Ormsby had a stoop; the other was a strait stout little fellow.

Who told you that the person who pointed out Ormsby was Mr. Lewis?—It was Mr. Stodart, a police magistrate.

*Henry Cooper*, esq. called in; and further examined.

By Sir *J. Mackintosh*.—At the time Mr. Poole came to you, to ask to be put on the grand jury, did you tell him to go to Mr. Sheriff Thorpe?—I referred him to Mr. Sheriff Thorpe.

Did you and Mr. Sheriff Thorpe settle the panel immediately after the receipt of Mr. Kemmis's letter?—I attended the Sheriff's office, and retired into a room from the public office, and there we examined the panel which he produced.

Was that immediately after receiving the letter of Mr. Kemmis?—I think it was the day after I received it; but I cannot be particular as to dates.

Have you reason to believe, that you lost no time in settling the panel after receiving that letter?—The regulation of the panel was for the purpose of giving it to the sub-sheriff for his record panel; I think there was no alteration from that, whatever.

Was not that panel settled before Mr. Poole came to you, and had that conversation with you?—I am almost certain it was not.

The House resumed. The Chairman reported progress and obtained leave to sit again.

## HOUSE OF LORDS.

*Monday, May 12.*

NEGOTIATIONS RELATIVE TO FRANCE AND SPAIN—FOREIGN POLICY OF THIS COUNTRY.] Earl *Grey* rose and said, that when he recollected the importance of the war now carrying on by France against Spain—when he adverted to the consequences likely to result from it, and the manner in which it would affect this country, as well as the dangers which threatened the peace of Europe, he was assured their lordships would feel with him the necessity of having before them every paper on a subject of such para-







exposed to so much danger, as they had been by his majesty's government in the course of that negotiation. He felt that he was called upon, not only to establish the propriety of granting the papers for which he asked, but also to establish his own right to call for them. On a former night the noble earl opposite had alluded to opinions of his (earl Grey's) stated on another occasion. The noble earl had not stated them very distinctly, and he (earl Grey) had only given a short explanation, in which he undertook to show that there was no variation in the opinions he had held at the time to which the noble earl had alluded, and at the present moment. That was the position which he had undertaken to maintain, and which he felt it necessary to maintain, in consequence of the attack which had been made upon him in another place. For what purpose he would not now stop to inquire; but he felt that some apology was due to their lordships, as it was of no importance to them what his opinions were, either now or at any former period; since it was not by the opinion of any individual that their lordships would govern themselves, but by the reason and circumstances of the case. But it was of some consequence to him that he should not be thought to entertain opinions liable to change and vary with every slight alteration of the political compass; and it was of some consequence, also, to the cause which he undertook to advocate. He was now adverting to the opinions which he held in the year 1810, and he wished to recall to their lordships' recollection the grounds of the policy which he had recommended to their lordships, when the subject was then brought before them. He had then stated, that to justify this country in a warlike interference, there should not only be a just cause of war—and that an essential interest of this country should be involved in it, but that, after we were satisfied on these points, we should also be assured that we had probable means of acting with effect and success. Those were the principles he had then stated; and they were so incontrovertible, that he need waste no time in illustrating them. They were not principles of to-day or yesterday, but were applicable to all times, and all circumstances. It was to the supposed contrast of those principles that he would now call their lordships' attention; and in reading that speech, he begged to assure their

lordships that for the publication of it he was in no degree responsible, though he believed it stated his sentiments correctly, as he felt assured that they were then, and now, the opinions which he entertained; though, probably, better expressed than he had expressed them. He had no hesitation in avowing, that he had never corrected but two of his speeches; one of which he delivered in 1807, and the other was a speech on the circular of the noble viscount (Sidmouth) whom he did not now see in his place. The noble earl then read the following extract from the Parliamentary Debates of 1810:

“But I cannot concede to the sentiments of the noble marquis, the inference which his declarations assumed, that in order to warrant this country to embark in a military co-operation with Spain, nothing more was necessary than to show that her cause was just. In my mind, my lords, in passing judgment upon such a policy, it was not enough that the attack of France upon the Spanish nation was unprincipled, perfidious, and cruel; that the resistance of Spain was dictated by every principle, and sanctioned by every motive honourable to human nature; that it made every English heart burn with a holy zeal to lend its assistance against the oppressor: there were other considerations of a less brilliant and enthusiastic, but not less necessary and commanding nature, which should have preceded the determination of putting to hazard the most valuable interests of the country. It is not, my lords, with nations as with individuals. Those heroic virtues which shed a lustre upon individual man, must in their application to the conduct of nations be chastened by reflections of a more cautious and calculating cast. That generous magnanimity and high-minded disinterestedness, proud distinctions of national virtue (and happy are the people whom they characterize!) which, when exercised at the risk of every personal interest, in the prospect of every danger, at the sacrifice even of life itself, justly immortalize the hero, cannot and ought not to be considered justifiable motives of political action, because nations cannot afford to be chivalrous and romantic. Before they engage in any enterprise which is to be supported by the exertions and energies of the people, it is the duty of the government to see, first, that there exist the means of rendering them effectual; secondly, that

there is sufficient policy to warrant the application of the means; and, lastly, that there are grounds of probability to induce a hope of success. It is only by an attention to such preliminary considerations as I have stated, that the affairs of nations can be prosperously or even safely conducted."

This had been relied upon, in another place, as exhibiting a contrast to the opinions which he held at the present moment; with what view he could not imagine, except to induce a belief that he had then recommended something like a shrinking from the cause of Spain which he at present advocated; but on this subject he could confidently appeal to those with whom he had private communications at the time, that when that most unprincipled, that unparalleled (he had almost said) attack on Spain took place (but now no longer unequalled), he had from the first moment of resistance, wished success to the Spaniards. There was no assistance likely to contribute to that end, and within the means of the country to afford, that he was not desirous of giving them. And in that opinion he differed from a friend of his, with whom he was connected by the ties of relationship and mutual regard, and with whom he had often fought, under Mr. Fox, the battles of the constitution. The noble earl here read the following extract from the address to his majesty, with which he had concluded his speech on the occasion referred to:—"To state to his majesty that we cannot doubt his majesty's readiness to embrace the first opportunity of concluding a peace on just and reasonable terms; but that looking to the nature of the contest in which we are engaged, to the power of France, now unhappily established over the greater part of Europe, and to the spirit and character of the government of that country, we are convinced that this event, so anxiously desired by his majesty's loyal people, will be best promoted by proving to the world, that while his majesty is actuated by the most just and moderate views, we possess the means of permanently supporting the honour and independence of our country against every species of attack by which the enemy may hope to assail them." He could confidently appeal to that very speech to show that his feeling, as to the attack on Spain, was the same then as it was now. Whatever of difference there was, arose only from dif-

ference of circumstances, and related solely to the most advantageous mode of carrying on the war in which we were engaged, and which we were bound to support. He thought he had sufficiently proved the uniformity of his opinions as to the case of Spain, and that the only difference could be as to the mode in which it was to be supported. Looking to the situation of Spain and Europe in the years 1809 and 1810, it did not appear to him that the employment of all the disposable military force on which we had to depend for our own preservation against the most alarming power that ever threatened the peace of the world, was the best mode of maintaining the cause of Spain; and, taking the same data, he should still entertain the same opinion. What, in the year 1810, was the situation of Europe? Holland was at the disposal of France; from Italy she drew some of her finest soldiers; Sweden had declared war against us; and Denmark, by an unjustifiable aggression which he should never cease to reprobate, indulged the bitterest enmity against us. Austria, after the defeat of Wagram, had concluded a peace with France, and the emperor Francis, as a confirmation of it, had married his daughter, Maria Louisa, to Napoleon. Russia also followed in the train of vassal states, having submitted to Buonaparté, who was at the head of armies that had conquered the world. He possessed not merely the forces of France, but of the whole peninsula of Italy, as the instruments of his ambition, and passively subservient to his purposes: he threatened the extinction of the last remains of independence in Spain. What, too, was the situation of Spain? The passes of the Sierra Morena had been forced, and so completely had the French troops overrun that noble kingdom, that they were quartered in Seville. True it was, that they had at last been driven from the Peninsula, and it was at the present moment highly encouraging to reflect, that notwithstanding all the disasters they had at that time suffered, they had been still able to afford an apparently desperate but an effectual resistance. The expectations of the French in 1810 might be gathered from a dispatch of marshal Soult, dated on the 27th of January in that year, which was couched in such terms as almost led to the supposition that the duke d'Angoulême was at this moment provided with the identical se-

cretary. Marshal Soult talked of the happy and placid countenances of the people indicating the delight with which their deliverers were hailed, adding "that king Joseph was every where received with enthusiastic joy; in short, the whole nation appeared desirous of submitting, being sick and tired of the sufferings to which they had been so long exposed." The French were then in military possession of the whole of Spain, with the exception of the Isle of Leon, and even there the French had established a fort from which they bombarded Cadiz. Under such circumstances, he would ask whether any reasonable hope could at that time be entertained that the French would be finally expelled from the Peninsula; particularly when the House recollected, that the result of the most brilliant victory of Talavera had been, that the noble duke opposite had been obliged to retire to the lines of Torres Vedras, leaving his sick and wounded at the mercy of the enemy? He had there, indeed, conducted himself with a degree of skill that had subsequently raised the military renown of his country to the loftiest height; but he felt justified in saying, that while affairs were thus situated, any man might have reasonably objected to the burthensome and almost hopeless sacrifice of sending an additional army to Spain. He had objected to it, but events had disappointed him; and when he said this, he hoped that the fit sense would be put upon the word he employed; for, in the issue of the contest, no man more sincerely rejoiced than himself. There were three events that he had not foreseen. First, that Napoleon would in this instance, for the first time, depart from that principle which in former cases had been the main cause of his success; namely, that of finishing that one enterprise before he began another. After the retreat of sir John Moore he had not expected that Napoleon would divert his forces towards Austria—that before he had completed the subjugation of Spain, he would have laboured to establish what had been termed the continental system against the trade and commerce of Great Britain, or that he would have meditated and commenced a new attack upon Russia. Pleading guilty to the charge of having limited his views to the ordinary extent of human faculties, he would observe that in the second place, he had not foreseen that the government of Spain, driven to the Isle of Leon,

would be able to make the heroic resistance which the world had subsequently witnessed. When he considered the courage, the perseverance, the unconquerable resolution displayed by the people of Spain in that memorable struggle—when he recollected that the cause for which she fought was not only her own, but the cause of the world—when he reflected that Louis 18th owed the crown he wore to the bravery of Spain, and that Great Britain was indebted to that land both for her renown and her security—when he remembered that the invincible spirit displayed to an admiring world by the Spaniards in the Isle of Leon, was not less to be admired than the bravery of Rome when Hannibal was at her gates, he could scarcely restrain his indignation within the bounds of parliamentary decency. He had said, that the invasion of Spain by Napoleon was unprincipled, perfidious, and unjust; the invasion of Spain by Louis 18th was not less unprincipled, less perfidious, or less unjust, with this additional distinguishing and odious quality—that it was marked by the blackest ingratitude. He did not wish needlessly to speak of sovereigns with personal disrespect, nor did he mean to apply the words which he had used personally to the king of France; but the government of that monarch had induced him to turn his arms against that very people whose heroic exertions had restored him to his throne. There was also a third point which he had not foreseen. In 1810, he had witnessed the disgraceful convention of Cintra, the calamitous expedition to Walcheren, and the unfortunate retreat of sir John Moore to Corunna. These instances of mismanagement had led him to entertain little hope of the future efforts of the then administration; he had not looked forward to the display of that great military genius on the part of the noble duke opposite which had finally re-established the independence of Europe.

Such was his justification—if a justification were necessary—of the opinions he had then held as to the state of this country, as to the dangers of the Peninsula, and as to the mode in which the war should be conducted. That justification was complete, unless the absurd principle could be established, that where Spain was concerned, it was necessary to act by certain fixed and invariable rules, and not to vary the system of policy according to the circumstances of the times. He had

been often taunted with the failure of his predictions; but he should have been surprised if he had not entertained the opinions he had expressed, knowing, as he did, that they were sanctioned by the approbation of every military man he had at that time consulted. Admitting, then, that he had been mistaken in 1810, there were subsequent periods in which he had qualified, and explained, and even changed his sentiments. Nobody could know better than the very person who had made this charge, what had subsequently fallen from him (earl Grey) upon this subject. After the year 1810, a great change of circumstances occurred. Before 1812, the noble duke opposite had opened a new and a brighter prospect of success. In 1812, the right hon. gentleman who now arraigned his consistency was out of office, and in the March of that year, a noble baron, now a noble earl, and who sat on the opposite side (Borrington) made a motion for a more efficient administration. That motion he (earl Grey) had supported; and here he begged leave to refer to the speech he had then made, observing, in the first instance, that the motion was not made without the concurrence of the present secretary for foreign affairs. He (earl Grey) had said—"With respect to the policy which the circumstances of the present crisis demanded to be maintained in the affairs of the Peninsula, he certainly was not prepared to say that it was expedient to recall our troops immediately home; but he certainly did not wish to proceed on that expensive mode of warfare, without having some military authority, as to the probable result of it; and he wished, above all, to see the opinion of the illustrious commander of the forces in that country on the subject. No part of national policy was more open to repeated discussion, or more calculated to engender a diversity of opinion, than the most proper mode of carrying on foreign warfare. The first principle in the policy of all wars was, to inflict the utmost possible injury on the enemy, at the expense of the least possible injury to ourselves. Such a question, therefore, as that which related to the continuance of the present contest in the Peninsula, depended on a variety of considerations arising out of recent events, and the consequent and relative situations of ourselves and of the enemy. In determining on the expediency of any measure of this nature, he was to

be guided upon calculations formed on an extensive combination and comparison of circumstances. He thought, and thought most decidedly, that a reduction of our expenditure was called for by reflections of the most urgent and powerful kind; and he should feel it to be his duty, before he could agree to the continuance of any continental enterprises like those in which we were now engaged, to take a wide survey of our own resources, to measure their extent, and the means of their application to the objects for the attainment or promotion of which they were proposed to be exerted. If the result of such an estimate were to establish any thing like a certainty of success in the schemes that were devised, all his hesitations and difficulties would be removed, and he should consider even the most extensive scale of foreign operations as recommended and supported by the principles of economy itself." That speech certainly had the vote and approbation of the noble marquis now at the head of the Irish government, who, of all men, was least likely to support opinions hostile to the vigorous prosecution of the war in Spain. With this document before him, it was a little singular that the person to whom he had alluded should have attacked his consistency, and, in order to do so, should have made a partial extract, which even taken by itself, did not bear that right hon. person out in the attempt he had made to contrast opposite opinions. It did not, however, rest there, for a further and more accurate explanation had been given. Their lordships would remember that in 1812, the death of Mr. Perceval unfortunately took place. Upon that event, the noble earl opposite, thus deprived of such powerful support, found it necessary to seek for new strength for his ministry. His first application had been to Mr. Canning, who thought it necessary to consult his friends, and the conclusion at which he arrived was stated in a letter dated the 18th of May 1812, addressed to the noble earl opposite (Liverpool.) Mr. Canning said—"The result of their opinion is, that by entering into the administration upon the terms proposed to me, I should incur such a loss of personal and public character as would disappoint the object which his royal highness the Prince Regent has at heart; and must render my accession to his government a new source of weakness, rather than an addition of strength. To







question, and should take the liberty of reading the motion with which he should conclude; it was "for copies or extracts of any communications made by the governments of Russia, Austria, or Prussia, as to their determination to make common cause with France in the present war against Spain, with any representations made on the part of his majesty against it; together with copies or extracts of any information transmitted to his majesty's government respecting the assembly of a Russian army on the Vistula, and of any representations made in consequence to the Russian ministry." For the production of the information here required, there appeared the strongest necessity. It was highly important for parliament to know whether the hostilities now waging in Spain was a war between nation and nation, or whether it had been undertaken on a common principle, and was to be supported by the forces of the coalesced powers. In the progress of the negotiations, he had observed many things with surprise. In the first place, he had been much surprised at being told, that ministers, previous to the interview of the duke of Wellington with M. de Villèle, had no expectation that the affairs of Spain would become a prominent feature of discussion at the congress of Verona. He had collected from the papers first produced, various passages which were at variance with such a statement; and lord Castlereagh's letter, as early as 1820, implied, at least, that some debate must take place regarding the state of Spain. A speech by the duke de Montmorency had been put into his hand since he entered the House, in which that noble personage expressed his astonishment at the professed ignorance of the British cabinet, because, as he contended, the question regarding Russia and the Porte having been in a great degree settled, and the British ministry refusing to take part in any discussions regarding Italy, there was in fact no topic left but the affairs of Spain to require the presence of a plenipotentiary from England. One of two conclusions must therefore be formed—either that ministers had been the most egregious dupes, and had intentionally shut their eyes to the truth; or that, rather than make no excuse for the course they had pursued, they had contented themselves with a bad one, and had thus endeavoured to impose upon the public. Of the last he was far from accusing them. The duke

de Montmorency contended even that there was no occasion for France to commence the discussion with England, because it was all along well known to her to be the great subject to be decided at Verona. Another thing that surprised him was, that the noble duke opposite and his colleagues at home, on the three questions proposed by the cabinet of Paris, seemed to think that the apprehension ought to be, that Spain would make war upon France. Such an impression was most extraordinary; for the whole conduct of the allies showed that the intention was, from the first, to compel Spain to change the form of her government. It had appeared to him, that though France, from her proximity and greater convenience, was left to prosecute the war against Spain, yet that it was a common cause, and that the allied powers were bound to support France, should that support become necessary. Looking at these circumstances, he had not been a little astonished to find Mr. Secretary Canning taking great credit to himself for the success of the negotiations at Verona. That right hon. gentleman had appeared very indignant at the ridicule thrown upon his famous instruction of "come what may," although he (earl Grey) fully concurred in all the ridicule it had met with here and elsewhere. However, the right hon. gentleman insisted that that instruction had produced its effect—that it had prevented a joint declaration—that the congress broke up without a joint declaration in consequence of it—that though the ministers of Russia, Austria, and Prussia, presented their three notes, they were mere *bruta fulmina*, and that the question was reduced to a point between France and Spain only, with which the alliance had nothing to do. If such were the result, he (earl Grey) was very much deceived, and he should be most agreeably surprised to find that the neutrality of the allies had been secured; for, unless it went to that extent, it was good for nothing. Had not parliament, then, a right to call upon ministers to declare whether in their judgment this beneficial result had been obtained—whether France was engaged solely in a national war, and whether the allies were to be neutral on the one hand, and Great Britain neutral on the other?

But, the statement of the neutrality of the allies seemed at variance with the contents of the papers on the table,



its expectations, it has invited traitors condemned by our tribunals to consummate, under the protection of triumphant rebellion, the plots which they had formed against their country. It is time to put a stop to the anarchy which tears Spain in pieces, which takes from it the power of settling its colonial disputes, which separates it from Europe, which has broken all its relations with the august sovereigns whom the same intentions and the same views unite with his most Christian majesty, and which compromises the repose and interests of France." The circular of the allied courts was in much the same terms, and it was signed separately by prince Metternich on the part of Austria; by count Nesselrode for Russia; and count Bernstorff for Prussia. They there spoke of the deplorable situation of western Europe, and of the state of confusion and disorganization in Spain, which was "hostile to the basis of the European alliance, which would dedicate to the safety of Europe all the means Providence had placed in their hands." He put it to the House, whether such a declaration would bear more than one interpretation, that interpretation being, that the allies would, by means of force, put down that form of government which they asserted to be in direct hostility to the principles on which the alliance was established. What ground, then, was there for the boast that that notable instruction "come what may," had produced a dissolution of the congress, had prevented a joint declaration, and had reduced the struggle in Spain from a war of alliance to a mere contest between France and Spain?

The noble earl proceeded to remind their lordships, that it was rumoured that the emperor of Russia had assembled an army of 120,000 men on the banks of the Vistula. What was the intention of such an armament as this? How was it destined to act? Did it bear no connexion with the attempt which had been made by France upon Spain? Their lordships would readily see that here alone a strong ground was furnished for that part of his motion which related to the production of all communications between this government and Russia, on the subject of the affairs of Spain. When they saw, too, that Austria was withdrawing her troops from Italy, and concentrating them in the Milanese, while in Prussia similar movements were carrying on on the fron-

tiers, could it be denied that the strongest reasons existed for the production of all our communications with Prussia and Austria on the same subject? Let it be clearly shown whether or no these powers were pledged to make common cause with France in her iniquitous invasion of Spain. He was no advocate for needless hostility with any country. He dreaded war more than anything else, except the sacrifice of the national honour and integrity. No man, perhaps, had seen more of the miseries which were produced by war, or had stronger cause than he had for wishing that the remainder of a life, which could not be of much longer duration, should be passed in peace; but he felt strongly, that had our government conducted themselves more firmly and more wisely, the necessity of war might have been obviated. Had our representations been made in a proper tone, we should have had with us the feelings of all Europe, as well as of France herself. He was as convinced as the noble lord opposite could be, that if the Spaniards were an united people, success by France alone—(and perhaps he was not prepared to say that the same event would follow the union of all the allied powers, acting in concert)—was not to be obtained. She would, in such a case, possess not the most remote chance of success. Now, if this were true, with how much greater ease than was now practicable, could we have rendered that success yet more doubtful; and with how much greater certainty could we have relieved the Spanish people from the difficulties of resistance to France, or from those she was likely to experience from us! On a recent occasion, the noble lord had had recourse to an argument, not perhaps very consistent with his former feeling in the matter, namely, that Spain was a divided nation, insomuch that were he called on to take a part, he should not know whether to side with the party that was in favour of or against the government of Spain. He (earl Grey) had no hesitation in admitting the possibility, that if there were very many of those Spaniards who were disaffected to the present government, they might, assisted by French intrigues, French money, and French forces, succeed in working a counter-revolution in Spain; but his hopes, he confessed, still tended entirely the other way. He was bound, as upon this point, to give credit to the accounts relative to Spain which

were received from France; and in these it was, that he observed the indisputable fact, that hitherto no Spaniard of any consequence had taken part with France. Still, he could not disguise from himself the possibility, that by such means as he had adverted to, a counter-revolution might be effected in Spain. And, what would be the consequences of such a counter-revolution? Ferdinand 7th might be restored to his throne, and reinstated in his despotic power; for as to the mockery of a constitution which might be given by him to his subjects, after being restored (as it was termed) by the French, that was a deception too gross, a delusion too idle, to be dwelt upon; nor would he detain their lordships upon a speculation so absurd, as that any thing like freedom or happiness could be voluntarily tendered by such a monarch to his people. The consequence of a counter-revolution, so effected by French interest, exercised under the sanction and in the presence of a French army in Spain, would be, that Ferdinand, restored to absolute power, and loosened from the restraints of all wholesome government, would become another member of the grand confederacy of monarchs allied against the liberties of mankind. He said, the liberties of mankind; for when he saw the efforts which they were making against every thing which bore the promise of happiness or liberty to man—when he saw the exertions that they made to repress every rising institution which rejected the fetters of ancient oppression, and proposed the diffusion of public freedom and prosperity—he feared that a conspiracy was indeed about to be entered into, more formidable to popular liberty than had ever yet existed: and more dangerous in its character, than even the despotism to which the late emperor of France had so nearly attained. For himself, he considered that the present aspect of the confederacy menaced the welfare of this country with greater peril than it had ever yet been exposed to. He well remembered the prophetic words of Mr. Fox, in a debate which took place in the other House, relative to the war that was undertaken for the purpose of replacing the present reigning family of France on the throne of that kingdom. Mr. Fox then said, that if a coalition for the restoration of the Bourbons had succeeded, the consequence would have been a perpetual ban upon all the people

who might be oppressed in any part of the world. Such a coalition no people would have been more interested in opposing than the people of this kingdom. The fatal consequences which might ensue to Spain, should they unhappily occur, would be owing to the misconduct of his majesty's ministers. "Oh my lords (continued the noble earl) what have they not neglected! what that it concerned the welfare of their country to preserve, have they not omitted to secure? What a great—what a noble part had they to perform at the conclusion of a war which succeeded beyond all expectation." The war being thus happily concluded, what a mighty part it remained for this country to fill, in order to perfect the work, not merely of her own happiness, but of the happiness of Europe. It was unnecessary for him to state what the character was which the government had chosen to sustain. Far different was it from that which had thus been presented for their acceptance. Examples were not wanting, even in our history, to prove the dangers which resulted to free nations from alliances like that which now existed in Europe. Had the combination of sovereigns which was formed in the time of Charles 1st been successful, could the liberties of the people have been long preserved against the encroachments of the house of Stuart? He could attribute the existence of any remaining portion of public liberty in Europe, solely to our enjoyment of a free constitution. Nor could he bring himself to believe, that, when the allied monarchs should have accomplished their designs against Spain, they would forbear from carrying on the same designs against Portugal. If it should be said, that at present there was no danger, he would merely request the noble lords to look at her position. Did the noble earl mean to uphold the principle of supporting monarchs against their people, and opposing every constitution that did not come from the sovereign? That principle had in the other house of parliament been avowed for the first time, in respect to the attack on Naples. While that attack was making we sat by, idle and tame spectators. There were even those who justified that measure, and who said that Austria had fair cause to apprehend danger. But among their lordships, no one had expressed a similar sentiment in regard to the case of Spain, excepting a noble duke on the cross-bench.



But the extinction of the Spanish constitution could not be accomplished by the allied sovereigns, without the reduction, on the continent of Europe, of the last remaining post, the last surviving bulwark of its freedom. No man had less inclination than himself to underrate the power of this country; but he confessed that his hopes and his confidence were diminished, since he had witnessed the poorness of spirit which had been manifested by his majesty's ministers. His confidence could not but be diminished when he reflected in what hands the honour of the country was placed—in the hands of those ministers who had not only tamely witnessed, but even justified the subjugation of Naples. How could he feel any assurance, under such circumstances, or what security was there for the country, that further encroachments might not be attempted, and tamely submitted to by ministers who had already so deeply injured the honour and interests of the country. It had been urged in defence of the policy which had been pursued by the government, that our neutrality was the price of the neutrality of the other powers; that a great advantage had been obtained by preventing a joint declaration of the allies against Spain; and that the contest had, in point of fact, been reduced from a contest between Spain and the Holy Alliance, to a contest between nation and nation. The production of the papers for which he now moved, would prove the validity of these assertions. He should not occupy the time of their lordships' further than by repeating, that he was not recommending a romantic or chivalrous enterprise, or losing sight of those sound distinctions by which the conduct of a statesman ought to be guided. The justice of the Spanish cause was undeniable; but we were bound no less by our interest than by the justice of that cause, if interest and justice could be separated, to support the independence of the Peninsula.—The noble earl concluded by moving, that the said papers be laid upon the table.

The Earl of *Liverpool*, in rising to oppose the motion, said, he believed he should be able to convince their lordships that the noble earl had laid no parliamentary ground for it. There were some points on which he felt it necessary to give a short explanation before he entered into the general question. With regard to the capture of the Spanish corvette by

a French ship, the *Jean Bart*, he was able to state what he believed would be completely satisfactory to their lordships. He did not stand up there as the apologist of the French government; but, where justice was due, he would give it to that or to any other foreign government. He had to state, then, in answer to the noble lord, that as soon as the report was made, and before any explanation was asked on the part of this country, the French government was anxious to declare, that they had no knowledge whatever of the transaction referred to in the public papers. Nor was this all; for the most distinct assurances were afterwards given to sir Charles Stewart, that the French admiralty had issued no orders whatever to make captures, either in the West Indies or in any other part of the world. Thus the facts stood, as far as the French government was concerned; but information of the particulars of this transaction had since been received from our own commander, from which it appeared, that an attack had been made on the *Jean Bart* by a vessel having a Spanish letter of marque; that the Spanish corvette fired into the *Jean Bart*; and that, in consequence of this attack, the French Ship had captured her; which she was of course justified in doing. With respect to the question put by the noble lord as to the proclamation of the provisional government of Spain, he need scarcely say that there was no communication between the government of this country and the provisional government; and it was well known that that proclamation had been completely disavowed by the French government. Having disposed of these points, he should now proceed to the two other questions put by the noble lord. First, whether any communications had been made by the governments of Russia, Austria, and Prussia, as to their intention of making common war with France; and, secondly, whether any information had been received, as to the armies assembled on the Russian, Austrian, and Prussian frontiers? One of the principal objects which the noble lord appeared to have in making the present motion, was, to vindicate himself against a supposed charge of inconsistency in his political opinions. He was the last man to make such a charge against the noble lord, and he believed that if his right hon. friend, who was supposed to have made such a charge, had



heard the noble lord this night, there would have been no difference of opinion between them as to the correctness of the noble lord's explanation. The noble lord had, undoubtedly, at the time which had been referred to, used the language of caution and of prudence; he had endeavoured to induce their lordships to abandon those vigorous exertions, which ultimately led to the glorious conclusion of the war in which we were engaged, though it was never meant to be imputed to the noble lord, that he did not participate in those feelings which every Englishman must have felt with regard to the atrocious invasion of Spain during the last war. All that was meant was, to compare the opinions and conduct of the noble lord at that time with the opinions and conduct which he held now. The question now was, as far as the noble lord was concerned, whether, entertaining the opinions which he did with regard to Spain, he was prepared to give effect to those opinions in the only way in which effect could be given to them? The noble lord felt, in the year 1810, for the sufferings of the Spanish nation: he felt what was due to a gallant people struggling for freedom and independence: but he would ask whether, if the policy recommended by the noble lord at that period had been pursued, Spain could have effectually resisted the whole power of France? Spain was saved by the position taken by his noble friend (the duke of Wellington) at the head of the British army in Portugal; Spain was saved by the exertions made by this country in her behalf. It was not the good wishes or the feelings of the noble lord which could have effected her deliverance; and he would now ask who were right—those who by making these exertions delivered Spain and destroyed the power of Buonaparte, or those who would have left Spain to her own unaided efforts, and to the ruin which would inevitably have awaited her? Buonaparte was aware at that period that he could never conquer Spain so long as she was supported by a British army; and it was to repair his loss of reputation in Spain that he directed his efforts against Germany and Russia. He was aware that the noble lord, after considering the war against France as at one time desperate, and after comparing the contest in Spain with that in America, in which every town indeed might be captured, but with fresh loss to the victorious party, had in

some degree changed his opinion, after the glorious defence made by his noble friend, at Torres Vedras; but even so late as the negotiations in the year 1812, he recollected that, though the noble lord was not prepared to withdraw our army at once from the Peninsula, yet the whole tenor of his speech was calculated to throw cold water on the contest. Let that memorable crisis never be forgotten. The noble lord objected at that time to sending the whole of our disposable military force to Spain; yet, where could that force have been so advantageously employed as in that part of Europe where, in the judgment of the government and of one of the greatest commanders of the age, the cause of Europe could best be fought? He did not say that the victory of Europe was completed, but he would say, that it was determined in that country. It was the knowledge of the issue of the battle of Salamanca which had encouraged Russia in her glorious resistance; it was the battle of Vittoria which had put an end to the armistice and produced the glorious day at Leipsic, and all its important consequences.—He wished to say a few words with regard to what had passed at the congress of Verona. The noble lord had expressed great surprise that the government should not have been aware that the affairs of Spain were to form a prominent part of the discussions. He would state, however, in proof of the fact, that the government believed the question between Russia and Turkey was to be the principal subject of discussion, that directions were sent to the noble lord who acted as our ambassador to the Ottoman Porte, to proceed to Verona, for the purpose of rendering more effectual service in the intended mediation.—With regard to the feeling of the allied powers, in the question between France and Spain, he would not mean to say that it was not the policy of those powers to condemn the Spanish revolution, or that it was not their object to enter into eventual engagements; but there had been no joint declaration, nor any circumstances or stipulations, leading directly to the invasion of Spain by France. The noble lord had quoted some passages which had been alluded to by his noble friend, the duke of Wellington, in the protocol which was signed by the several powers at Verona. The stipulations in that protocol were, however, entirely defensive, and no hos-

tilities were contemplated, except in one of three contingencies; first, in case Spain should attack France, or endeavour to propagate her opinions by force of arms; secondly, if any violence should be offered to the king or the royal family; and thirdly, if any attempt should be made to change the reigning dynasty. In any of these contingencies, the allies bound themselves to make common cause with France against Spain; but there were no engagements, as far as he believed, on the part of the holy alliance, which pledged them to make common cause with France, in any case except those contemplated in the protocol.—With regard to the armies assembled on the frontiers of the different powers, he believed the noble earl's information to be correct, except with regard to Prussia. It was undoubtedly true that the emperor of Russia had assembled an army on the banks of the Vistula, and that the troops which had evacuated Piedmont and Naples were now in the Milanese; but it should be recollected, that these armies were assembled on their own territories, and with objects, he believed, of a nature entirely defensive. Let it not be supposed that he was the apologist of those powers, in a recent transaction, any more than he was the apologist of France; but he really did think that circumstances might grow out of the present state of Europe which would render the assembling of the armies which had been alluded to a prudential measure.—He would now remind the House of the difference between the reasoning of the noble earl with respect to the former Spanish war and the present. When the Spaniards were formerly contending against France, the noble earl said he felt for them, but he then recommended a cautious and prudent line of conduct to this country, and advised us not to take part with Spain. What was the conduct of the noble earl upon the present occasion? The noble earl said, that he felt for Spain now, but he recommended a different line of policy from that which he had formerly advocated, for he advised (he begged the attention of the House to this point) that we should pursue a course of policy which would involve us in war without affording the slightest assistance to the Spaniards—not any assistance that would have the weight of a feather. He (lord Liverpool) declared that if he were convinced it was the policy of this country to embark in a

war for Spain, he would look the question fairly in the face, and would advise their lordships to render the Spaniards every assistance in their power; and no assistance could they render them, unless they sent a British army into the Peninsula. The line of policy which the noble earl would have had the British government pursue ought to be considered as involving two questions: first, the moral effect which our remonstrances might have had in preventing the attack upon Spain; and secondly, the necessity of an active co-operation with Spain, if war should actually take place. He thought that no person would deny that we must have been prepared for the second case before we entered upon the first. We might have succeeded in the first case, but we must have been prepared for the second, which was the alternative. There might appear to be something in favour of the moral effect of a menacing tone in preventing a war, but he was of opinion that it would have created a counteracting feeling. He believed, if this country had shown that she was disposed to embark in a war in favour of Spain, that that very circumstance would have excited a strong national feeling in France in favour of the attack upon Spain. Supposing, then, that this country had failed in the first case, and had been reduced to the necessity of going to war in support of Spain, how did the noble earl propose to carry on hostilities? Why, by annoying the commerce of the enemy—by capturing their shipping, and perhaps a colony. Really, he did not expect, at this time of day, to find the noble earl possessed of such antiquated notions. The time had been, when the capture of a West Indian island would have determined the question of war or peace; but, in the present circumstances of the world, such an event would not weigh the smallest part of a feather. Could it possibly enter into the imagination of the noble earl, that if France were, as he said, desirous of bringing back the times of Louis 14th, and of uniting the two crowns, they would be frightened into an abandonment of their policy, by being told that we would destroy their fishing boats, capture their merchantmen, or take a colony? Such an idea would be absurd and preposterous. It would be an insult to the Spanish nation to say to it. “We have gone to war for you; we will furnish you with arms, but then we will leave you

to fight alone, and will give you none of that assistance which we found so serviceable to you in the late war." The noble earl had accused him and his colleagues of being wanting in statesmanlike views: but what could be more unstatesmanlike than the policy recommended by the noble earl? It would be like spitting in the face of France, when we could do her no harm—an expression of feeling unbecoming a great nation. If the noble earl's policy were acted upon, this country would be deprived of all the advantages which attached to a state of peace; her rising prosperity would be checked; and after all, she would not have arrived one inch nearer the object which she had in view. He agreed with the noble earl in the view which he took of the difficulties with which the French would have to contend in the present contest. Whether they would surmount those difficulties, experience only could prove: but, did any man believe that the species of war which the noble earl recommended would add to the difficulties of the French? In the question between France and Spain, three things were to be considered, on which the success of the former must depend—first, the amount of her army; secondly, the means which she possessed of providing for that army; thirdly, the degree of support which she would receive from Spain. If it were supposed that the situation of France with respect to these three points was just what she herself could wish, he could understand, though he might not approve of, the policy of sending the noble duke near him at the head of an army into Spain, whence the country might gain additional glory from his efforts; but, to recommend that we should subject ourselves to all the inconveniences of war, for the purpose of sweeping away the French commerce, was like an act of insanity. The noble earl said, that the more he considered the conduct of the government, the more impolitic and unwise he considered it to be. He (lord Liverpool) would also state, with sincerity of heart, that the more he reflected upon what the noble earl had proposed, the more convinced he became, that it would be considered by every man who examined coolly, and without party prejudice, as well as by posterity, as mere folly. At the time when our armies maintained the loftiest situation during the late Spanish war, the noble lords opposite were constantly telling ministers to hus-

band their resources. He (lord Liverpool) would husband those resources; but he would husband them, not by making an ineffectual war, but by remaining at peace. If they went to war, they should enter upon it like men, and in a way to produce effect. He was now expressing the feelings of his noble friend near him, and of another noble person to whom, next to the noble duke, the country was most indebted for the success of its arms during the late Spanish war. They would be the last persons to vote for going to war like children, and the first to reprobate going to war at all, unless it was absolutely necessary to support the honour of the country. In 1810, the noble earl had entertained quite different opinions with respect to the policy of going to war with Spain. If the noble earl at that period, when we were already embarked in war, thought it advisable that we should make peace, how much stronger was our reason for pursuing a pacific policy at present, when we were actually at peace? He begged their lordships to consider the difference between the present state of Spain and that in which she stood in 1810. At the latter period Spain was a united country. The noble earl opposite could not mention a part of Spain in which any difference of sentiment then prevailed. Was that the case now? Was not Spain now a divided country? Was it not a country where two parties were at least equally divided? Was it not a country where the enemies of those who wished to pull down the existing constitution was equal to that of those who wished to maintain it? He thought it could not be denied that the energy of those who had enrolled themselves under the banners of religion in Spain, was greater than that of the party which was attached to the constitution. He did not state this as a justification of the policy of France, but he mentioned it as a fact, and a most serious one; for it proved, that if this country had embarked in war, it must have done so, not with Spain against France, but with one part of Spain against another part. This country might have advocated the cause of the government *de facto* of Spain; but how would it know that that was the cause of Spain? Whoever might be thought of the injustice of France, there was no principle of common sense or statesmanlike policy, which would justify this country in entering upon a Spanish

war, under existing circumstances. It was absurd to refer to the conduct of government with respect to Spain in 1808 as a precedent that ought to be followed at the present time, seeing that the circumstances of the two periods were quite different. Upon this point it was also necessary to consider, under how very different circumstances France now made war upon Spain, from those under which she formerly attacked that country. The individual who led the former attack upon Spain, not only was enabled to pour forth myriads of men, but he made every war in which he embarked pay for itself. He never entered a country without making it support his armies; and when he had united any country to his own, he employed the soldiers of the annexed country in carrying on war in another. Thus war fed war. By the conquest of one country, he was enabled to carry on war in another. France could not now follow the system of its former government. Which, then, would stand in the best situation—France, who had embarked in a contest of a doubtful character, which would exhaust her resources, or Great Britain who remained at peace? The doctrine of the noble earl opposite was, that this country ought to go to war, because something, God knew what, might happen that would be injurious to her. Well, he (lord Liverpool) would, for two reasons, wait until that something, God knew what, did happen. In the first place, the unknown something might never happen; and if it did, the country would then enter upon war in the possession of greater resources than those of the power against whom she would have to contend. He would have the country enjoy the present advantages of peace; but he was convinced that if we should, some time hence, be compelled to go to war, the people possessed spirit and firmness sufficient to enable them to overcome any danger. Let the country enjoy as long as it could the blessings of peace; but, if it were compelled to go to war, let it put forth all its power, and not embark in a mere show of war. It should not be imagined that, if this country were to take a part in the present war, it would be a cheap or a short one. When once the scabbard was thrown away, it was impossible to foresee when hostilities would end, or what expense they would create. He felt the importance of the question between France and Spain as deeply as

any man, because he knew that when war was once lighted up in any corner of Europe, there was no knowing where it would end. He was impressed with the same feelings, though less strongly, upon the occasion of the dispute between Russia and the Porte. It was the first wish of the government to prevent war in Europe. They had no desire to excite dissensions in other countries, in order to profit by them. The noble earl, in the course of his speech, had made some extraordinary observations respecting the allied powers. He had said, that the object of those powers was, to destroy the liberties of every country of Europe, and of England amongst the rest. He could not believe that the noble earl really entertained such a chimerical idea. He (lord Liverpool) was not one of those who approved of the principles which had been promulgated by the allied sovereigns. His majesty's government had, both in verbal and written communications, condemned the policy which those sovereigns had adopted. He desired, as strongly as any one could do, that every country should be left to govern itself, and to discover what laws were best calculated for its interest; but he could not conceal from himself, that, in the present state of the world, if there was danger on one side from arbitrary doctrines, there was danger from new opinions and revolutionary doctrines on the other. The policy of this country should lead her to maintain that situation, moral and political, which would enable her to restrain the excesses of either. For these reasons, he should vote against the present motion.

Lord *Holland* said, that the speech of the noble earl who had just sat down, was one of the most extraordinary he had ever heard. In one part of his speech the noble earl had endeavoured to persuade the House that it was neither wise nor prudent for England to go to war in support of the just cause of Spain; while another part of it consisted of a pompous description of the great success which had attended our arms during the last Spanish war. In another part of his harangue, the noble earl had told a British House of Lords, that a naval war was of no use; that the value which had heretofore been attached to the wooden walls of Old England, was entirely an antiquated notion; that to talk of giving a maritime support to Spain, was nothing but a farce; and that this country could only hope to ob-



tain an influence on the continent, by means of an army. He must confess that he thought the noble earl's opinion upon that point, as well as most of the opinions which he had that night delivered, was founded in the grossest fallacy. The noble earl had confounded two distinct points. He had got hold of an opinion that a war for the protection of Spain must be a war in Spain. The noble earl had fallen into a similar error when he attempted to show that his noble friend had been inconsistent in his opinions with regard to Spain. It would be utterly impossible to suppose that his noble friend should not feel a strong interest in the former struggle in which the Spaniards had been engaged against the French. It so happened that he had in his possession letters which he had received from his noble friend, at the time the event alluded to took place, recommending that whatever succour might be considered most advantageous to the Spaniards, ships, money, or even men, should be sent to them from this country. He had these letters in his pocket, but it was unnecessary to read them. He would say that they were conceived in the same warm and eloquent language which had fallen from his noble friend that night. The only difference which had formerly prevailed between the noble earl opposite and his noble friend was with respect to the mode of carrying on the war. After the disastrous campaign of sir John Moore, his noble friend had doubted the expediency of employing a large military force in the Peninsula, and had thought that there was no probability that the Spanish cause would be successful. He perfectly recollected the circumstance, because he had in a slight degree differed in opinion from his noble friend. He had thought that the Spanish cause was more likely to succeed than his noble friend did; but he acknowledged, that, upon a review of the situation of Spain and of this country at that time, he was not sure that his noble friend's opinion was not sounder than his own. The noble earl over the way, who had attacked his noble friend for this imagined inconsistency, must have had a great desire to annoy a political opponent; because, if the noble earl substantiated the charge, it would make directly against his own argument; for the noble earl would be saying, "You formerly said we should have no success, when we had the greatest possible suc-

cess; therefore, now that you who are more disposed to despond than we are think that we shall succeed, we will not go to war." Throughout the whole of his speech, the noble earl had run into a train of inconsistencies and contradictions. At one time he had said, that unless we sent the whole of our army into Spain, we should do nothing for them; that the war would be a mere cheat; and that there could be no hopes of success. But, at another time, when he was replying to an argument, that if France should be successful against Spain, it would be dangerous to this country, the noble earl turned round and said, "France successful—nonsense! France cannot succeed. See what Spain can do without the assistance of Great Britain! Depend upon it, it will be a dangerous thing for France to get into Spain. If you leave the Spaniards alone, they will do much better than they would if you were to assist them." The noble earl over the way underrated the effect of the alliance of this country with Spain. In one of the debates which had taken place on the subject of our foreign policy, the noble earl had said, that when England landed the first brigade in the Peninsula, she would become a principal ally in the war, and the whole expense of the war would fall upon her. There was some acuteness and some truth in that argument. The noble earl must have taken a leaf out of the book of the noble duke of his colleague, whose past experience would show him that such would, in all probability, be the event, if England sent an army into Spain. However, the argument, let it come from where it might, was no reason for not going to war; but it was a reason for considering, after we had gone to war, where we should land the first brigade, and whether, by so doing, we should destroy the advantages of the Spanish mode of warfare. Good God! could it be said that Great Britain standing forward as the friend of Spain would produce no effect?

"Let but Achilles o'er yon trench appear,  
Proud Troy shall tremble and consent to fear."

A noble earl opposite (lord Harrowby) on a former night, in answering an hypothetical case of the policy of defending Portugal if she should be attacked by France, had said, that France would not dare to attack our ally, because she knew that if she did we should attack her commerce, and send a fleet into the West Indies. The noble earl at the head of the Treasury



treated the idea of attacking the French colonies with perfect scorn. He would leave the noble earl to settle that point with his colleague: but he would advert to the observation which the noble earl had made about our becoming a principal in the war if we landed an army in Spain. He should always look back to the last Spanish war with feelings of pride and gratification; but, he entertained considerable doubts whether the mode in which we had carried on that war was the best that could be adopted. The experience of history had shown, that the Spaniards, if left to carry on war in their own way, were almost unconquerable. The noble earl told the House, that the present situation of Spain was greatly different from her situation in 1808; and he said, that there was more division of sentiment among the people of that country now, than at the former period. But the noble earl should recollect, that when the war began, the French were in possession of every fortress in Spain. They had an army in Madrid, and they were marching another army upon Seville. The more he considered the habits of the people of Spain, the more he was convinced that they were better adapted than any other nation for that species of warfare which was most capable of annoying an invading army. He could almost fancy that poetry had pointed out the mode of warfare which the Spanish people had adopted. Homer had described the Goddess of Wisdom descending from Heaven to instigate Menelaus to attack Hector, and inspiring him, not with the strength of the pard, the lion, or the bear, but with the courage of the fly, and with its insatiable thirst of human blood, which induced it, though often driven from its prey, to return with unflagging pertinacity to the charge. This, the fastidious criticism, and he would add bad taste, of Mr. Pope, had caused to be entirely passed over in his translation.—The noble lord then proceeded to reprobate the policy which government had pursued in the negotiations at Verona. What practical benefit the Spaniards were to derive from the absence of a joint declaration, he was at a loss to conceive. How was France affected by the fact? If she beat Spain single-handed, she had all that she sought without the assistance of any joint declaration; but if she failed in that attempt alone, was she not certain of being aided by those powers who now, for form's sake, hung behind

her? Would not the defeat of France, singly, in her enterprise against Spain, be the signal for overwhelming Europe with the barbarians of the north? For himself, if Spain—which Heaven forbid!—was to be conquered, he would prefer seeing her occupied by four or five European states, who would quickly quarrel amongst themselves about the division of the spoil, to seeing her fall into the hands of any single power. The stress laid upon the absence of a joint declaration was incomprehensible. It reminded him of the story of the Frenchman and the quack. A gentleman having the misfortune to fall into a severe fit of illness, had the further misfortune to apply to a quack for assistance. The quack prescribed on his first visit. The remedy proposed was an immediate swallowing of forty pills. Forty pills was a great many at one dose. The invalid asked the opinion of a Frenchman, his friend. The French gentleman was astonished. “Forty pills, sir! consider what you do. Be ruled by me and take but five.” The patient was ruled and took only five; but such was the drastic property of the medicine, that even the mitigated dose in three days destroyed him. Upon this up got the Frenchman in raptures at his own sagacity—“My friend is dead with taking only the five; conceive what must have happened to him if he had taken the forty!” Now this was exactly the condition of the noble earl opposite and his colleagues. They took credit for having prevented a joint declaration. Without the joint declaration, France had marched into Spain, and threatened the total subjugation of the Peninsula. And now ministers got up in delight, like the Frenchman, and said—“Think what would have happened if there had been a joint declaration!” Where was the practical difference between a joint declaration and a stipulation?

The Earl of *Liverpool* was not aware that any stipulation existed.

Lord *Holland*.—Does the noble earl mean to say, that no stipulation does exist?

The Earl of *Liverpool* said, that no stipulation existed.

Lord *Holland* supposed, that the noble earl's information upon that point came from the same “good men and true” on whom in other matters he had relied. But, if there was not an open stipulation by the continental powers, to aid, might there not be an implied one? The declaration, if it

was not a declaration of war, was it not a declaration *eo termino*? Did it not declare, that it was in the spirit of the treaties of the Holy Alliance to take up arms against Spain; that the principles of the new Spanish constitution were hostile to the basis upon which that alliance was built; and that all supreme governments of whatever conformation, were bound to assist against it, not merely according to the letter, but according to the spirit of those treaties on which the peace of Europe was founded? Let those who found fault with the new constitution of Spain examine whether the main errors of which they complained were not in the very points upon which they had adhered to the old constitution. There could be no doubt, that as far as English interests were concerned, the constitution of Spain could never be too democratic. Perhaps from their connexion with France, under the former government—perhaps, from the similarity of the French and Spanish languages—perhaps from the circumstance of the Spanish literature being in a great measure derived from France—from some cause, certainly, the higher orders of the Spaniards were disposed to look towards France as an ally. But, among the lower classes, the feeling was directly in an opposite course. The lower we went, the more devoted we found the people to English principles and English alliance. The very proverb of the country was, “Peace with England, and war with all the world.”—He was loth to detain the House, but there was one other point upon which he found it impossible to sit down without commenting. Much as he disapproved the pusillanimous, the impolitic, conduct of England towards Spain, the cruelty of her conduct to her old and faithful ally, Portugal, filled him with still deeper indignation. Here was Portugal, who relied upon us; Portugal, with whom we had been so long in treaty—she had formed for herself a constitution after that of Spain—a constitution upon which she relied for freedom and for happiness. She now saw that very constitution about to form the pretext of an attack upon her by France; for if France succeeded with respect to Spain, no one could doubt that Portugal would be the next victim to her tyranny. And what, under such circumstances, did England say to her? We said—“Mind what you are about. If you are attacked, we are bound to support you: but, if you think it éssential for

your safety to go now to the assistance your faithful friend—if you think better to carry on a war upon the Pyrene than upon the Tagus—then we are no longer called upon to assist you; we abandon you to your fate—that is, we leave you to be destroyed.” And that was the language that we were holding towards one of our oldest friends. Such language was so abhorrent to his nature, that he should prefer to see England at once breaking the treaties she had formed, than thus seeking, upon forms, to get out of the spirit of them. But he wished upon this point, to ask the noble earl opposite a question. He was averse to hard names, even as applied to those to whose opinions he stood most opposed. He would not talk, therefore, of traitors or rebels; but there had been an insurrection in Portugal against the new constitution of that country. He wished to know supposing there to be proof—not strictly legal proof, but such proof as statesmen and practical men were accustomed to act upon and be satisfied with—supposing there to be such reasonable proof, that the insurrection in Portugal had been fomented by the aid of French money—would that fact, if Portugal took arms, be held sufficient to bring her within our treaty? He wished to be satisfied upon that particular point. If Amarante joined the French army, would Portugal be able to say, that war with a country which received her insurgents, entitled her to an army from England to her assistance?—The noble earl opposite had put two words into the mouth of his noble friend which he had not used. The noble earl assumed his noble friend to have said, “Something will happen—God knows what—and then we shall have war;” and to this the noble earl replied, “I will wait until that something—God knows what—does happen.” What, then, had nothing happened? He might almost use the language of Demosthenes, and say, was it nothing that the man of Macedon reigned in Greece? Was it nothing that the man of Muscovy was driving on the despot of France to trample down the independence of Europe? Was a war between France and Portugal nothing? Did the noble lord mean to weigh in such nice scales the question of aggression between Portugal and France, as not to admit that France, by attacking Spain, must threaten Portugal? The noble earl asked him and his friends, “Do you mean to go to war?”

Why, rather than see Spain under the military domination of France, he would go to war. Rather than see Portugal exposed to be overrun by France, he would go to war. Rather than see the whole coast of the Peninsula—the coast opposite to Ireland—filled with fanatics and slaves, he would go to war. And he would rather go to war before all this happened, than after. Nay, he would ask the noble earl opposite, whether, under such circumstances, with the whole of the Peninsula in the occupation of the French army, that army opposite to the Irish coast, ready to make a descent on that part of our empire, with an array of fanatic missionaries, and legions of soldiers of the faith, he was not prepared to go to war also? These were plain questions, and such was the language which it became our representative to hold, not to the French government, but to the allied powers. If that language was considered too strong to be used by the British representative, then we should have withdrawn altogether from the deliberations of Verona. There were two modes of proceeding: either we should not have allowed the attack on Spain at all, or, the moment we understood such an aggression was contemplated, we should have declared our disapprobation practically, by a proof that at such a meeting the minister of England had no business whatever.

Lord *Ellenborough* observed, that agreeing with the noble earl opposite most fully as to the systematic design of the allied sovereigns, he must still contend that it was impossible not to discover in the French government a spirit, not only of hostility to the liberties of mankind, which it felt in common with the allied sovereigns, but a lust of aggrandisement more particularly opposed to the feelings and interests of this country. It was, therefore, an inconsistency irreconcilable, not only with the conduct of the noble earl in the management of the late war, but irreconcilable with the principles of his whole life, to hear the noble earl make the admissions he had made, and not arrive at the same conclusion with those with whom he (lord E.) concurred. The noble earl need not rest his inferences on the foreign policy of these sovereigns. It was neither at Portugal or Naples, at Verona, Troppau, or Laybach, that such a determination was manifested; it was discoverable in the internal regulations of the respective governments of these mili-

tary monarchies. The noble earl might have discovered it in the promised but the denied constitution of Prussia—he might have discovered it in the mock constitution offered, after such pompous preparations, to Poland—he might have discovered it in the conduct of Austria to Italy—but, if he were yet incredulous, he might have discovered it in the acts of the French government towards Spain; for there he had a proof of the systematic hostility that all these powers entertained against the liberties of mankind and the independence of nations. But, he would go further and ask, what were the real views of the French government as to Spain? Was it not to re-create the French army, to consolidate French power, to bring again under French influence the resources of the Spanish peninsula, to gain for France what its foreign minister, M. Chateaubriand, admitted was an object of French policy, namely, that no hostile frontier should exist on its southern position—but, above all, to prevent those alliances which Spain, as a free state, looking to her constitutional interests, would naturally form with the free states of the world? It was against that spirit of aggrandisement, that destruction of the balance of the power of Europe, that it became the duty of the government of England to interpose. It should have felt, as the noble earl himself admitted, that the designs of the sovereigns of continental Europe were directed against the independence of nations, and that in defence of these great interests, Spain was the vanguard of constitutional freedom. It was argued by the noble earl, that no other course remained to this country but peace or war. But that was not the alternative in discussing the merits of the late negotiation. The first question then was, had ministers done all they could to prevent the war against Spain? The next consideration was, whether if England had put herself in the peril of engaging in war, the result of such a policy would not have prevented war altogether? But the noble earl thought there was no choice. It was acknowledged by all parties, that the moment the French army crossed the Bidassoa, there was a justifiable ground of war. That was undeniable; but, it by no means followed, that, because there existed a just ground of war, therefore war was to be commenced by this country. That decision must depend on many reasons, both of a political and

military nature. "But," said the noble earl, "if you go to war, you must send an army." That was not a necessary consequence. Such was not the ancient policy of this country, in her continental alliances. Until the late war, it was new, to send an English army to act in chief in the support of an ally. Taking for granted his own statement, the noble earl argued, that while intestine divisions existed—while Spaniard was in array against Spaniard—to send a subsidiary military force was not to be thought of. Such a course had never been recommended. But then said the noble earl, "the assistance of a fleet would be perfectly nugatory." That he disputed. Would not the presence of a naval force afford considerable support to the military exertions of the Spanish army? He had only to appeal to the noble duke opposite, to prove of what avail, during the last war, the presence of a small British naval armament was to Spanish exertion on the coast of Catalonia. The two main roads on the eastern and western extremity of Spain were actually under the guns of a fleet. Under such circumstances, could naval co-operation be nugatory? The three great military points of Spain were at this moment in the possession of the Spanish army, and capable of being supported by naval co-operation. With these facts before their lordships, could any man deny that the presence of a British fleet would not afford the most effectual support? He still felt that it was mainly in opinion as to the nature of the present contest, that he differed from the noble earl opposite and his colleagues; but still his opinion upon that question was a fixed one. He did not take the war to be a war by France against Spain. He took it to be a war in which France acted with an executive army—an army executive of the views and intentions of the holy alliance. It was a war which touched in principle the liberty of all European states; and above all of England; for, if that alliance were jealous of the efforts for freedom made by Spain, what would it say to England? For himself, he protested against the policy of neutrality, as derogatory to British character and destructive of British interest. The noble earl opposite thought that, standing with folded arms, England would be enabled to moderate the excesses to which either party might be disposed. A law-giver of old had made it treason for

any citizen, in matters of public not to take part with one side or other. He had held, and rightly, wise men were the most likely contention, it was only by mixing wise men in the quarrel, so that precepts and example might contravene in others, that any could be brought to a happy term. If it was to be the policy of this to take no part in the present between despotism on the one and rising liberty on the other—if we stand in idle neutrality, and witness conflict between a government on one part growing out of the will of the people, and a government on the other which denied to the will of the people influence—if England was to be such a course, it was a course in which endeavours would long enable persevere. Before the struggle she would be compelled to take and she would then have lost the advantage which would arise from her position in the beginning.

Lord Canning said, he deprecated as much as the noble earl opposite did. He looked at it in no other than as a resort in case of necessity. He could not help thinking that necessity had arrived. The course ministers had taken was not surprising. They knew that war was against the feelings of the country; they knew also that, by avoiding it, they should gain a momentary triumph; but belief was, that the hope of this triumph had led them too far. Their peace had been too anxious, openly displayed. In the course of the late negotiations, a tone of anger, but of just and firm remonstrance, not of menace towards France, friendly expostulation; would have produced beneficial effects. If it had been neglected, England would not have been compelled to go to war. But, if it had not have been neglected, if it had been urged with an eye to the conduct of France, who was then vacillating in doubt of her own subjects on the one hand, and fear of the consequences of oppression on the other. The noble earl sat down, with professing his belief that it would be impossible for England to remain in amity with states which covered opposition to every principle in the shape of rational liberty.



The motion was negatived without a division.

## HOUSE OF COMMONS.

*Monday, May 12.*

**LAW OF PRINCIPAL AND FACTOR—**  
PETITION FOR AN ALTERATION THERE-  
OF.] Mr. *J. Smith* presented a petition from the Merchants and Bankers of London, praying for an Alteration in the existing Law of Lien upon Goods sent on Foreign Ventures. He stated his intention of moving for a select committee to inquire into this subject.

Mr. *Scarlett* said, that the law, of which this petition sought an alteration, had prevailed ever since the merchant law had been a part of the English code. It did not permit factors to pay their own debts with the produce of goods confided to them by employers in other countries. The learned gentleman proceeded to argue, that this law had been borrowed from the maxims of the civil law, which prevailed all over the continent, and that therefore, as it corresponded with the regulations abroad, there could be no reason for altering it as regarded commercial convenience, and still less on the score of honesty and good policy. Nothing could be more just than that factors should be restricted from exceeding the authority of their principals, and nothing more likely to prevent frauds. He must object to any alteration in the present law.

Mr. *Baring* said, that the effect of the law as it at present existed, was to prevent the circulation of goods. Its operation had been a source of complaint from the earliest period that he could recollect any thing of business. British merchants were not generally thought more fond of encouraging frauds than the members of his learned friend's profession. The error in his learned friend's argument had arisen from his not understanding the nature of trade. He had thought that there were two sorts of persons—merchants and factors; but in commerce merchants were factors, and factors were merchants, both purchasing goods upon commission. The great inconvenience felt from the present system was, that money could not be raised by the hypothecation of goods, because it was not known to whom they belonged. The object of the proposed alteration would be, to establish the principle, that

the same care should be taken in confiding goods to agents, as prevailed in the remission of money. If money were remitted, the possession passed from the hands of the principal to the agent, and no lien was created; the same freedom was sought to be established for the circulation of merchandise. From the very nature of commercial dealings, they could not be without great risk and some inconvenience; but the question was, whether greater benefit would not arise from a law which should leave merchants free to deal with those persons in whom the possession of the goods should be. This was obviously impossible, if it were necessary, on all occasions to inquire into the instructions of the principal. The petition was one of the greatest importance, and he trusted that it would receive from the House the attention it deserved.

Mr. *Huskisson* agreed with the hon. gentleman as to the importance of the subject. He held a petition, which he should present in the course of the evening, from the merchants, and nearly all the persons of capital in the town he had the honour to represent, the prayer of which was similar to that now before the House. They were unanimous in their wish that the existing law should be altered. He trusted that the learned gentleman would, for this reason, not oppose the appointment of a committee. He did not wish that the principle of the law should be altered; because he felt, that whatever good a change of that kind would bring with it, would be greatly overbalanced by the evil which it would create. The hon. gentleman said, that the alteration which was proposed would merely have the effect of preventing a factor from paying his debts with the goods of his principal. If that were all, there would be no necessity for referring the question to a committee. But there were, in fact, other considerations which a committee might with propriety inquire into. Great inconvenience arose from the present state of the law; and he knew that judges on the bench, when deciding on particular cases, had alluded to the injustice which was connected with it. But it was not necessary, in removing these inconveniences, that the principle of the law should be altered. If they considered the subject in a committee up stairs, it would be only necessary to inquire whether the law might not be so altered, as to prevent the frauds which now prevailed under it.





placed at the mercy of a capricious measure; for they were told that the new bill was nothing but an experiment. The right hon. gentleman said, the intention of this provision was, to prevent the mixture of different sorts of beer. The petitioners, however, said, "only postpone the measure for a year, give us an audience before a committee, and if we do not satisfy you, introduce any bill you please. At present, the penalty for mixing beer is 200*l.* If that is not enough, make it 400*l.*, or make the offence finable by a forfeiture of goods. If that is deemed insufficient, punish the crime with transportation."—Surely nothing could more clearly prove that the intentions of these gentlemen were honest. If, however, the right hon. gentleman did not like this mode of proceeding, let him take the tax from the beer altogether, and place it on the malt. This would place the poor man and the rich on an equality. At present, the poor man, who could not brew his beer, paid a tax from which the rich man was exempt. Was this just or fair? If the tax were placed on the malt, instead of the beer, all the expense of collection would be saved to the public. By adopting the measure which he had recommended, the agricultural interest would be benefitted; since a much greater quantity of malt would be consumed.

Mr. *Ricardo* could see no reason why the tax should not be imposed on the malt. If that were done, individuals would be at liberty to brew what quality of beer they pleased. The hardship was very great on the poor man, who was obliged to purchase his beer at a high rate from the public brewer; whereas all those who possessed facilities for brewing were exempted from the burden.

Mr. *Maberly* said, the bill was most unjust towards the brewer. It took from him, in the first place, the sale and consumption of the ordinary sort of beer, and

next prevented him from making up his loss, by declaring that he should not brew any beer of the intermediate kind, unless he built new premises. The bill, it appeared, was an experiment. To the brewer it was certainly a very expensive one. He must either submit to lose his trade, or he must erect new buildings at great cost. If the right hon. gentleman had gone into a revision of the excise laws, it must have struck him that the duty on beer was improper. The duty ought to be placed on the malt. The duty

on malt was now collected at 2½ per cent; and if the entire duty were placed on the malt, it would not increase the price of collection 1*s.*; at the same time that there would be a saving of 267,000*l.* a year to the public.

Alderman *C. Smith* could not see why the brewers should not be allowed to brew the new beer as well as table beer. He hoped the bill would not pass.

Mr. *Bennet* was surprised that the chancellor of the exchequer should persevere in a measure, in favour of which not one voice had been raised, and which bore on the face of it the greatest injustice. In order to condemn it, it was enough to say, that it was a measure to fix the price of an article of trade. By retaining the duty on beer, instead of converting it into a duty on malt, the rich man escaped with less burthen than the poor man.

The *Chancellor of the Exchequer* said, that upon the last discussion he had endeavoured, to the best of his ability, to reply to all the objections started by the hon. member who had last spoken; and, as other opportunities of discussing the measure would arise, he did not feel himself called upon to enter upon it at present.

Mr. *Hume* said, that a capital of upwards of one million was embarked in the trade in question, and therefore it required more consideration than was intended to be given to it. He maintained, that a sum of 250,000*l.* might be saved by a different course of policy. It was a singular fact, that although our population had increased, no increase had taken place in the consumption of malt. He hoped the chancellor of the exchequer would himself introduce some remedial measure upon the subject.

Mr. *R. Colborne* thought that the bill had been introduced more with a view to benefit the public than to increase the revenue.

Mr. *F. Palmer* was of opinion that the bill, with certain modifications, would be better than the continuance of the existing law.

Mr. *Monck* said, that the bill, in its present state, inflicted injustice not only on the brewers, but on the public. He wished to see it modified.

Mr. *Maberly* wished to ask whether there would be any objection to the appointment of a committee, to consider the propriety of placing the duty upon malt, and thereby saving, in the ma-

chinery of the collection, 267,000*l.* a-year?

Mr. *Brougham* expressed his surprise and regret that no answer had been given to the question of his hon. friend. The House were guilty of a crying injustice to the poor, in thus continuing to make the labouring man pay 50*s.* per quarter for his malt, while the rich had it at 20*s.* To the poor man this beverage was a necessary; to the rich man it was a superfluity. He felt it necessary to make these few observations, from a conviction that the more these facts were known, the more impossible it would be, to continue so crying an injustice to so large a portion of the community.

The *Chancellor of the Exchequer* said, he would be ready to meet the arguments of the gentlemen opposite when the bill came regularly under the consideration of the house.

Ordered to lie on the table.

SPITAL FIELDS SILK MANUFACTURE.] Mr. *F. Buxton*, seeing the president of the Board of Trade in his place, begged to ask him a question or two upon a subject, in which the interests of a large and respectable portion of the inhabitants of this metropolis were involved. He understood it was the intention of the right hon. gentleman to introduce a bill for the repeal of certain restrictions upon the silk manufacture. What he requested of the right hon. gentleman was, that he would first consent to the appointment of a committee of inquiry up stairs, or if he refused that, that he would not press the measure until after the holidays.

Mr. *Huskisson* said, he certainly would not oppose the appointment of a committee if he thought it could be productive of any beneficial result, but he could entertain no such opinion. He had been in constant communication with the parties who opposed this measure, and had uniformly held out to them the same expectations; therefore, the measure now in contemplation could not be said to have come suddenly upon them. From all he had been able to learn, he felt convinced that the trade would be much more flourishing than it was at present, if the restrictions in question were totally removed. If he obtained leave to bring in the bill to-night he would move the second reading on Friday, and proceed in the other stages after the holidays. He did this from a conviction, that any delay would only have the effect of keeping

alive, in certain quarters, a hope which as it could not be realized, could only be productive of irritation and discontent.

IRISH INSURRECTION ACT.] Mr. *Goulburn* said, that when he last proposed to the House the propriety of continuing the Insurrection Act, he had ventured to express a hope that it was a measure which was not likely to be again called for. He had ventured to make that statement, not upon his own authority, not upon any vague and uncertain accounts, but upon the reports of men best acquainted with the state of the country, and upon whose judgments he could most firmly rely. He was with sincere regret that he now felt it necessary to recommend a further continuance of the provisions of that act. From the returns before the House, it appeared that the disturbances, particularly in one district, continued to increase; that there was still manifested among the peasantry the same disposition to outrage, the same hostility to property, the same imposition of illegal oaths, the same general contempt of the laws of the country, and the same wish to substitute laws of their own. He lamented that notwithstanding the liberal and laudable exertions of the people of this country to relieve the distressed peasantry of Ireland, and, notwithstanding the praiseworthy liberality of the Irish resident gentry in seconding the efforts of the British people, there still prevailed, in certain districts, a state of insubordination which imperiously called for the further continuance of this extraordinary power. He begged to be understood as not advocating this measure as one by which a country ought to be permanently governed. On the contrary, he considered it objectionable, taking it in the abstract, and only to be justified by the emergency of the case. The simple question then for parliament was, did a sufficient urgency exist to justify the continuance of this law? It was not his intention to go at length into a detail of the outrages which formed the justification of the measure, for these were developed in the papers which had been laid upon the table of the House. In these papers, the state of parts of Munster was described; and it was difficult for gentlemen to picture to themselves the condition of the resident gentry in the disturbed districts of Ireland, who were endeavouring to maintain themselves amid this state of things.

with a constancy and courage which did them the highest honour. This was the more difficult when it was recollected that the system of intimidation carried on was calculated to defeat the operation of the law. With such force and severity were those threats carried into execution, that, unless the hands of government were considerably strengthened, it would be impossible the law could take its course. This was no fancy picture. Its truth was proved by the evidence of melancholy facts. It would be admitted, that the first step towards enforcing the law would be to prove the crime against those who were concerned. In other parts of the kingdom there existed a disposition to support the law, and to give evidence against its violators; but in the disturbed districts the reverse of this principle prevailed. Every feeling was in favour of the offender, and the only efforts made by the great portion of the people were, to screen him from discovery. Justice was defeated in every possible way. Where the criminal was secured, the witnesses for the Crown were either removed on the approach of his trial, or, such was the influence of terror, that it was found impossible to induce them to give evidence. At the late assizes at Cork, the number of persons who were allowed to go at large, in consequence of the impossibility of producing evidence before the grand jury, was little short of the number of those who were prosecuted. He mentioned these facts as proof of the melancholy state of the country; and he trusted that parliament would on this occasion exercise its discretion, as it had before done in similar circumstances, and so strengthen the hands of the Irish government as to give them the means of punishing the guilty, in a more steady and effectual manner than they now could. As the law now stood, it left the loyal and peaceable part of the population unprotected. All he asked was, the power to put down those who defied the law. The bill which he would introduce would have the effect of confining persons to their dwellings for the greater part of the night. This in itself was a hard measure; but it was rendered necessary by the circumstances in which the country was placed. For a violation of the regulations in this respect the parties would be punished. The principle of this law was not a new one in the legislation of the country. In cases of pestilence, indi-

viduals were prohibited from leaving their dwellings or from going into uncontaminated quarters. The party offending in this particular would not be said to be guilty of any moral offence, but still it was necessary, for the general welfare, that he should be punished. And he would ask, could the necessity be said to be less in the prevalence of a moral pestilence? The punishment of those who could not give an account of themselves during the preceding night was, no doubt, a severe one; but it was unfortunately the only one which could afford adequate protection to the peaceable and well-disposed part of the community. He might perhaps be asked, if this law was so effectual for repressing disturbances, why any existed in the country where it had operated? He would answer, that it had been productive of very good effects where it had been called into operation. It had been carried into operation in the county of Limerick, and in that county disorders of even a more violent nature had prevailed than now existed in Cork. More violent, because, in the former county, in addition to the destruction of property, they had to lament the loss of many lives by barbarous murders. In Cork, much as the outrages were to be deplored, they were generally confined to the destruction of property; but in Limerick, where the disorders had been carried on with such violence, order had been, comparatively speaking, restored by the operation of this law. In the county of Clare also, the good effects of this law had been apparent; for in some parts of that county, where the greatest disturbance had prevailed, the operation of the Insurrection act had restored comparative quiet. In Tipperary the greatest alarm had for a time prevailed, lest the disposition to riot manifested in some places should spread. The effects of the partial application of the Insurrection act had been felt in that county; from many parts of which government had recently received accounts of the peaceable disposition of the people. He mentioned these circumstances to show, that if the provisions of the Insurrection act were duly administered, they would be effectual in restoring the tranquillity of Ireland. It was with this view that he now proposed the renewal of the act. He did not feel himself called upon to enter, at the present moment, into any inquiry as to the causes, more or less remote, to which some gentlemen might

attribute these disorders. He thought it better, in this moment of alarm and danger to abstain from any topic which might tend to create a division of opinion, because he trusted it would be admitted, that, acknowledging the danger, as he believed all must do, the first step which a wise legislature would take would be to devise means by which to prevent its spreading. This was the principle which he wished to impress upon the House. He wished them to give the government the power of checking the immediate danger. After they had done this, let the wise and the good consult as to the remedies which they might think proper, to correct the evils out of which those disorders arose. It was, in fact, impossible at the present moment to point out their immediate causes. Let the House first give the government of Ireland the power of putting down those disturbances which were only paralleled by those which on a former occasion called for similar measures, and then let them devise measures which may have the effect of preventing their future recurrence. The right hon. gentleman concluded by moving "That leave be given to bring in a bill to continue the Irish Insurrection act for a time to be limited."

Lord *Althorp* said, he could not remain silent consistently with his feelings of public duty. Year after year measures of severity had been introduced, yet, so far was the tranquillity of Ireland from being restored, that her disturbances had been increased, and her misfortunes aggravated. It was the duty of the House, with the experience they had had since the Union, to look more deeply into the state of Ireland, and to take other and different measures to cure her disorders. He confessed he felt disappointed at the speech of the right hon. gentleman. He thought the right hon. gentleman would have entered more at large into the question, particularly after the expectation held out, that the situation of Ireland would be discussed. Measures of coercion had failed. It was therefore the duty of the House to adopt towards Ireland acts of justice, of encouragement, and of conciliation. The right hon. gentleman had said, that the present was not the time for discussion. Was there not time, at all events, between this and the first of August? Could nothing be done during that time, to ascertain the real causes of the deplorable state of things in Ireland?

But he did not mean to go that lenient. All he asked for, was a pledge on the part of the government, to enter, at no distant period, into a consideration of the state of Ireland, with a view to ascertain the causes of its sufferings. It was lamentable to see the present state of Ireland, to see that, English law, so justly considered a blessing in this country, looked upon in Ireland with hatred. Something must be wrong in the system of government, where effects so uncountable were produced. Such, indeed, was the lamentable state of Ireland, that it was at present almost a misfortune for this country to be connected with her. All other countries with which England was connected, more or less added to her strength; but Ireland, in consequence of the manner in which she had been governed, reflected little credit upon herself, and brought but little strength to the empire. Ireland, above all other countries, was the most difficult to govern. She required the strongest union of sentiment on the part of her governors, as to the leading principles of policy; and yet it was a curious fact, that the only principle on which the Irish Government was formed, was a principle of compromise. The president of the Board of Control had been attacked on a former night, because he was supposed to have stated, that the laws had not been administered until late with an equal hand. But, where laws were themselves unequal, it was impossible that their administration could be just, even-handed, or popular. To enable the government to act with justice and with impartiality, there must be laws which gave equal protection to all his Majesty's subjects. He was not at present disposed to refuse to the government those powers which might be deemed necessary to put down the outrages which prevailed; but it would be only on the condition, that it would give a pledge to inquire into the causes of the present discontents. It was impossible to give an unqualified sanction to measures of so much severity as those proposed—measures which had been tried, and which had failed to restore tranquillity to the country, or confidence to the government. An inquiry into the state of Ireland was absolutely necessary. He therefore called upon ministers fairly to meet that point, and to institute an inquiry, as the first step to the establishment of permanent tranquillity in that country. In order to produce this inquiry, he would



move by way of amendment, "That it is the opinion of this House, that the coercive measures which have been repeatedly adopted since the Union, have failed to secure tranquillity in Ireland, or to better the moral condition of the people; and that no solid improvement can be expected from a continuance of the system of compromise acted upon in the government of that country, strengthened as it has been by such temporary expedients; but that it is absolutely necessary to take into serious consideration the whole system of the laws, and of their administration, with a view to such a reform as shall secure the permanent peace of the country, and the equal constitutional rights of the people." If this amendment should be carried, he would then submit to the House the following resolution:—"That this House, while it looks only to a permanent remedy in a revision of the whole system of measures by which Ireland has hitherto been governed, feels itself called upon to arm the executive government with all such temporary powers as may be necessary to suppress the present existing spirit of insubordination, which is daily producing such alarming outrages and daring violations of the law in that portion of the empire."

Mr. *John Smith* rose to second the amendment. He said, he could not but express his surprise at the course which the right hon. Secretary had pursued. The right hon. gentleman had endeavoured to impress upon the House the necessity of suppressing the riots and outrages which now prevailed in Ireland. Those riots he admitted ought to be put down, but the right hon. gentleman had not said a word as to the cause of those disturbances. It was melancholy to reflect that, in looking to the history of Ireland during her long connexion with this country, he found that she was always discontented, always the prey of factions, and that the laws were constantly set at defiance. This was not the case in any other part of the united empire. It was not the case in Scotland. When that country was visited with almost a famine in 1817, there was no riot, no disturbance. That extraordinary people, as he must call them, had looked upon the calamity under which they were suffering as a dispensation of Providence. What was the cause of this difference between the two countries? It was this—in Scotland the people had the benefit of moral and religious instruction,

the basis of every thing good in society. In Ireland the want of this instruction was visible. He meant no imputation against the people of that country. Some of his dearest friends belonged to it. He respected the Irish. He believed them to be a people possessed of the most grateful feelings. Their gratitude approached almost to extravagance, even for the smallest favour. Indeed it was so great as even to be troublesome, for they were ready to lay down their lives for those from whom they derived benefits. At all events, this practice showed the seeds of future improvement under a mild treatment. Why had he not heard something that promised such treatment? He would not say that the proposed alteration of the tithe system was not something, for the tithes were a fertile source of evil; but he would say, that the people of Ireland required, and were capable of, great improvement. From the opportunities of communication with that country which he had had on a recent occasion, he found that a great deal might be done for her by encouraging the manufacture of coarse linen. This had been suggested by the archbishop of Tuam and other benevolent individuals; and it was intimated, that if small advances by way of loan were made for the purchase of looms, it would be productive of the best effects. From the situation of Ireland labour must be very cheap, and many must be anxious to procure it. In order to afford this relief, the Irish committee had advanced a certain sum, which had been already productive of the best effects. Employment had been given to thousands of industrious poor, who otherwise must have been left destitute. This had been done at an expense of some 30,000*l.* or 40,000*l.*, and he asked, would not the measure now sought for cost more than that sum? The House knew that the Insurrection act could not be carried into effect without a very considerable expense. Why was not something which would be less expensive and more effectual done for that country? Let it not be forgotten that to Ireland we owed not only a great part of our military glory, but also of our present security. He wished to ask the right hon. gentleman, whether this continued coercion would not tend to degrade the people, and protract their moral improvement? He should like to hear government say, "We have long tried coercion, and it has failed; let us now try what may be effected by con-

ciliation." He was sure it would be found most beneficial. He would, in a few words, show what had been the effects of a zealous attempt at improvement in that country. An hon. friend of his had put into his hands a document which referred to the establishment of Sunday-schools in Ireland. They had been long tried; but the result had answered the most sanguine expectations. They were carried on upon a good principle. The scriptures were read without note or comment. Every moral principle was strictly inculcated, but no particular religion was taught. The consequence was, that Catholic parents had no objection to send their children. In the province of Ulster, with a population of two millions, there were 11,177 Sunday-schools, having 120,000 scholars, who were instructed by 8,000 gratuitous teachers. The proportion of the scholars to the whole population was 1 in 17. In Leinster, with a population of 700,000, there were Sunday-schools, having 19,000 scholars, instructed by 1,900 gratuitous teachers, the proportion of the scholars to the whole population being 1 in 22. In Connaught the population of the children who attended those schools was 1 in 206; and in the province of Munster, with a population of about 3,000,000, the proportion was one in 450! Did not these facts speak for themselves? In those parts where there was most instruction there was least riot and disorder; for riot and disorder were connected with ignorance, but peace and good order were the hand-maids of instruction. The next point to which the hon. member alluded was the establishment of a society of ladies lately formed in London, for improving, or rather, of civilizing the women in the western parts of Ireland. By the exertions and example of this admirable association, 210 societies of ladies had been already formed in Ireland for carrying this praiseworthy object into effect. The mode they adopted was most judicious. They meddled not with religion; they distributed no tracts or pamphlets (though he did not mean to undervalue the exertions of those who adopted that course); but they warmly exerted themselves to better the condition of those poor women, to improve their moral habits, and by this means to take the most effectual step towards improving the morals of the men. This matter had been so warmly taken up by the ladies of Ireland, that his hopes of the improve-

ment of that country were mainly founded upon it. Why was not something of the kind done by the government of Ireland? Upon the subject of the tithes, he was glad to see that at length there was a disposition to do something. He could hardly have expected, after what took place last session, to hear the word "commutation" in the propositions of the right hon. secretary. However, it was not his desire, to reflect upon government, because they showed themselves ready to make some concession. But, while it was required from him and his hon. friends to abstain from any allusions which might have the effect of increasing the irritation, they were at least entitled to know upon what grounds the right hon. secretary rested his hopes of restoring the peace of the country. Let the right hon. gentleman say how long it would take, by means of the Insurrection act, to put down the disturbances. Let the House at the same time consider the peculiar situation of the country, and the particular state of Europe. Could it be believed that the powers of Europe, should England come into collision with them, would neglect to take advantage of the disturbances in Ireland to distress the English government?

Mr. Robertson said, that in his opinion all the troubles of Ireland arose from the persecution of the Catholic religion. Whilst a great portion of the population were kept aloof from the privileges of the constitution, it was impossible to hope for permanent tranquillity. The renewal of the Insurrection act was only throwing a firebrand amongst the already inflamed population of that country. They must go deeper and reach the causes of the disaffection. It was the moral principle of man which was at work in Ireland, which forbade him to rest satisfied with degradation unjustly inflicted. They could hardly expect, indeed they ought not to hope, that the country would be at rest while those degradations were continued. He would show, by a reference to past events, how little measures of coercion were calculated to supply the place of fair and equal laws. At a time when all the monarchs of Europe were leagued with the church of Rome against the Protestants, how had they succeeded? Not one Dissenter had been reclaimed to the Catholic worship. Charles 5th had tried in vain the united power of the church decrees, his own political importance, and the vast wealth which he had

at his command. Much blood had been shed; but the only effect of it had been to bind the Protestant in a union up till that time unknown. The fate of France about the same period was equally worthy of notice. Torn by religious divisions, the massacre of St. Bartholomew had been of no effect. Let the house take an example of quite a different tendency from Prussia. The wise founder of that monarchy, though he had more reason to dread the power of Rome than any of the contemporary monarchs of Charles 5th, had nevertheless refused to adopt any measures for securing uniformity of religious faith, or for punishing the variance of religious opinions. The consequence had been concord between men of different persuasions. He pointed out the example of Scotland in illustration of his argument, and the situation of the Greek Catholics under the Mussulman empire, which had the strongest resemblance to the treatment of the Irish Catholics under the government of England. As he saw no likelihood of mere oppression doing more for Ireland than it had done in any of the cases to which he had referred, he should give his support to the amendment.

Sir N. Colthurst said, he was perfectly sensible of the kind motives by which the hon. member who spoke last was actuated, but when rebellion was at the door was not the proper time to talk of conciliation. It was the duty of the house to arrest the evil before it went further. Within the last fortnight, a number of armed men, amounting to at least a hundred, headed by a person of a better description, had appeared within four miles of Cork, and, though pursued immediately by the military, there had been no detection. It was evident that the ordinary course of law was not sufficient: 180 persons had been discharged at the assizes for want of evidence. From eighty to one hundred burnings had taken place, and there had been but one conviction. If the Insurrection act had been enforced with firmness, Ireland would not be in its present state. The Irish government had shown a culpable lenity towards the disaffected, and had thereby paralyzed the efforts of its servants. The people, instead of feeling gratitude for that lenity, mistook it for a manifestation of fear. He referred the House to the representations made by the grand juries, to show how extensive and systematic was the plan upon which

the insurgents acted. Not one of them could be prosecuted to conviction, because it was understood that their deaths would be avenged upon those who should venture to appear against them: 160 had been turned out of one prison for want of a prosecutor. So great was their zeal, that at this very time the belief was general amongst them, that something important was about to happen; and the danger was the greater, as at this very time there was more poverty and distress in the country than had ever been known before. He opposed the amendment, because he felt convinced that coercive measures were indispensable to the restoration of tranquillity.

Lord A. Hamilton said, that the facts stated by the hon. baronet would rather influence him to support the amendment. If poverty and distress were now more general throughout Ireland than ever, and if measures of severity similar to the present had been passed for the last twenty years without any success, what, he would ask, could be hoped for from the present motion? For the eighteen or nineteen years which he had sat in that House he had heard the same complaints, and the same measures of severity had been always proposed. These measures had been reprobated by every hon. member (with the exception of one), who now sat on the Treasury-bench. He had heard them reprobated by the attorney-general for Ireland, who had characterised them as the extinction of the constitution, and had affirmed that proscription and death were not fit engines of government. Why, he would ask, was the right hon. gentleman's present conduct inconsistent with his former sentiments? Within these six years he had deprecated measures similar to that proposed this night. Within that period he had maintained, that Catholic emancipation was the sweeping measure, the *sine qua non*, without which nothing beneficial could be effected for Ireland. With respect to the measure before the House, he thought it in the highest degree severe, that a man should be liable to transportation for being out of his house between sun-set and sun-rise. Last year this bill was passed as a temporary measure to put down sedition, and now it was said to be more necessary than before. It was therefore fair to infer, that the measure would be now as useless as it had been at any former period. With regard to tithes,

they had been complained of in Ireland for twenty years before the Union; they had been denounced by the right hon. baronet (sir J. Newport), who had raised his prophetic voice in that House and made many motions respecting them, none of which he had succeeded in carrying. To these motions ministers had given no countenance. When his hon. friend, the member for Aberdeen, brought forward his motion on the subject, it was opposed, and commented upon with great asperity by the attorney-general for Ireland, as a system of fraud and spoliation; it was maintained that church property was like that of private individuals, and should be respected accordingly; but now, in opposition to those sentiments, they had brought in a bill to compel a commutation. With regard to Ireland, he took into his full consideration the alarming situation of that country, in which the inhabitants were in nightly expectation of having their doors burst open; but still he thought that, as measures of harshness had been resorted to so often without effect, the House should now be disposed to investigate the cause of these disorders, and avoid, if possible, the beaten track of severity.

Mr. *Plunkett* said, that as he had been much misrepresented, but no doubt unintentionally, by the noble lord who had just sat down, he must take the liberty of addressing a few words to the House upon this question. He could not be fairly charged with inconsistency for the support which he was now giving to this bill, inasmuch as he had advocated it last year, and also in 1806, when he was connected with the duke of Bedford's administration in Ireland. He allowed that it contained a most unconstitutional principle, seeing that it annihilated the trial by jury; and he lamented, as much as any man could do, the melancholy necessity which compelled the government to inflict it at present upon Ireland. Still, the measure was to be only of a temporary nature, and was much better than the introduction of martial law, which appeared so desirable to the hon. member for Cork. The introduction of martial law, he, for one, did not like; because, it was sure to produce irritation, and it could not be attended, either directly or remotely, by any conciliatory or beneficial consequences. The great evil under which Ireland at present laboured, was the reluctance felt by individuals to come

forward to give their evidences. the introduction of martial law evil? And if it would not, would law justify those who resorted to punishing individuals without a defence at all? If evidence could be procured, the present law would be sufficient to meet the grievance: but, unfortunately, there existed at present in Ireland a terror superior to the terror of martial law, and which paralysed every effort to carry it into execution. The gentleman then proceeded to defend himself from the charge of inconsistency which had been brought against his conduct in respect of the Roman Catholic claims. He contended, that question he had clung with a firm grasp both in its good and in its evil fortune. The noble lord had said, considering his conduct regarding this important subject, it was quite impossible to repose any confidence either in his sincerity, or in that of any of his colleagues. Unfortunately for the noble lord, he had received from the Catholics of Ireland, since the late unfortunate decision on their claims, no satisfactory assurances, that they had proved of every thing he had brought forward them. It was true that, he had expressed his opinion of the advantage of bringing their claims forward with a divided cabinet. He would again repeat what he had then said in his opinion, Catholic emancipation ought to be a *sine qua non* with every administration, and that it was upon which the safety and tranquility of Ireland principally depended. He thought that there was nothing in his explanation at that time which precluded his obeying the orders of his sovereign in taking office under the present administration. In 1813, he had entertained doubts of the sincerity of the ministers who advocated Catholic emancipation, but those doubts had since been removed, in consequence of the great exertions which had been made to forward that cause. The noble lord now no more, and a right hon. friend (Mr. Canning) now seated near him. In 1813 he also thought it feasible to obtain a bill whose members should be unanimous in their opinions upon that subject. At present he was convinced of the probability of ever seeing any such bill realized. When, therefore, he saw that his majesty wished conciliatory mea-



be adopted towards Ireland, and also that the government in that unhappy country was determined to discountenance the system by which its grievances and discontents had been so long fomented, he felt that he should not be weakening the cause of Catholic emancipation, by going over to the side of the House on which he now sat; and he, therefore, had gone over to it, retaining all his old, and not adopting any new opinions for the guidance of his political conduct. He had made these remarks in consequence of what had fallen from the noble lord, whose observations appeared to him to press more upon the individual who then addressed them, than they did upon the question immediately before the House. He would now say, that were he inclined to vote for the inquiry proposed by the noble lord, he would not vote for it as an amendment to the present motion. Without saying whether he would or would not vote for that inquiry, were it brought forward as a substantive motion, he would say this—that it deserved a separate discussion, and that at any rate it ought not to be obtruded on the House as a secondary consideration, when it was necessary to obtain an unanimous vote from it, in favour of the insurrection act, in order to dispel any delusion which might exist in the mind of any misguided wretches, respecting the light in which they were regarded in either House of Parliament. The learned gentleman then proceeded to argue that he was not inconsistent in giving his support to the present tithe bill, after the opinions which he had formerly expressed regarding the inviolability of church property. The noble lord had complained of the asperity with which he had condemned the propositions submitted to the House by the hon. member for Aberdeen. He begged leave to assert that he had never intended to use any such tone as the noble lord had attributed to him. All that he had then said was, that the property of the church was not public property, to be cut and carved at pleasure; and what he now maintained was this, that though the property of the church was as sacred as any private property, it was still liable to those regulations of the legislature to which other private property was liable. In conclusion, he again lamented that this act should be necessary, and if any hon. member could propose a better, he would willingly adopt it. One proof that the

powers which it gave had not been improperly employed had been furnished them that evening by the hon. member for Cork, who had complained that they had been administered with too much lenity. He thought that, under such circumstances, the House might fairly bestow those powers once more upon the Irish government; seeing that the only complaint which had been made against it arose out of the discretion and moderation with which it had exercised the extraordinary powers committed to its charge.

Sir *J. Newport* agreed, that his right hon. friend had no wish to curtail the necessary powers of the government; but the question was, whether the powers now demanded were necessary? In 1803, the Habeas Corpus act had been suspended and martial law had been introduced. The same had been repeated in the following year, and an hon. friend (Mr. Elliott) had then implored the House to observe carefully what they did; another hon. member had observed that the minister stopped the constitution with as little ceremony and as little regard for the current of public opinion, as a miller would stop his wheel. Had not this been true? He had then asked, as he did now, whether such measures were necessary for the safety of Ireland? And, in putting that question, he had been supported by Mr. Windham, Mr. Fox, and a noble duke then a member of that House, and he was answered with—"Grant us the power; trust to us for the fair and proper use of it." In 1810, the Insurrection act was renewed, and on all occasions they had been referred to to-morrow and to-morrow; which to-morrow, he was sorry to say, never arrived. In each successive case, the language of ministers at the time they asked for those extraordinary powers had been this:—"Put down the disturbances, and then inquire into the causes from which they originated;" and afterwards, when they had quelled the disturbances for a time, and were reminded of their promises about inquiry, the answer had been "The disturbances are now happily over—why should we agitate the country by inquiring into the cause of that which at present has fortunately no existence?" Against such conduct he had been remonstrating for the last twenty years, and he would repeat what he had often said before, that they would never succeed in tranquillizing



Ireland without entering into a full inquiry into the various grievances under which she was labouring.

Lord Ennismore said, he considered that the Insurrection act ought to be passed, but with considerable amendments. In some parts of Ireland many were prevented by fear from becoming public prosecutors. The act was not, as it stood at present, sufficient. But one punishment existed in it, and that was transportation for seven years. Now, that would be a heavy punishment to a man who was a husband and a father of a family; but to a single man it was inconsiderable. He insisted that the lord lieutenant ought to be invested with power to put any district under martial law: for that measure was the only one held in terror in Ireland. The people feared a trial before a tribunal which was not to be influenced by the ingenuity of barristers or attorneys. Such tribunals were necessary in such a country. He could assure the House, that not a night passed last winter without excesses of some kind or other. He, therefore, thought that government should be enabled to use more vigorous measures. The absentee system was, he admitted, one great source of misery to Ireland; but it should be recollected that gentlemen who continued to reside there were obliged to keep their doors and windows barred, and sat down to dinner with fire-arms on their table. The lower classes in Ireland were certainly possessed of warm and generous feelings, but they lived in a state of entire ignorance of the power and resources of this country. They attributed every thing to fear; and considered every act of this country as resulting from that cause. It was with sorrow that he felt obliged to state a fact which would, at first, seem hardly credible, but he could assure the House of its truth, and it resulted from the opinion which the peasantry of Ireland entertained of this country. They actually considered that the subscription which had kept so many thousands from starving during the last summer, was the result of fear, and not of benevolence. Before tranquillity could be expected to prevail in Ireland, it was necessary to strike terror into the lower orders. They must be made to know that the law was strong, and that they could not break through it. When this was done, measures of conciliation ought to be tried. In those mea-

asures the landlords of Ireland—*viz.* as they had been—would most certainly join; but until this was done, all conciliation was useless. The persons whom the insurrection was fomented in kept up, had nothing less in view than the total extermination of the Protestants. Unless the strongest measures were resorted to, he had no doubt that a formidable rebellion would break out. He would assert that there was a larger portion of the population of Ireland ready for rebellion at this moment, than at any former time.

Lord Alton rose for the purpose of addressing the House, and particularly the gentlemen of this country, not to listen too eagerly to such reports as those which had been made by noble lord; and which really appeared to have been made for the express purpose of hallooing on the government to a tyranny against the people. The noble lord must forgive him if he said, speech he had just made was an inducement to him to disbelieve the representations of the magistrates of Ireland. He was himself not unacquainted with Ireland. The barony with which he was more particularly connected was not at all disturbed; and yet the noble lord thought fit to put in force the Insurrection act, and had accompanied it with a declaration that the barony was in a state of tranquillity, but they had taken this step for purposes of precaution. He did not look upon the emancipation of the Catholics as the panacea for all the evils which afflicted Ireland. He wished to see this notion, which was a delusive one, dispelled. Those evils arose from the ignorance of the population. He would interest the House to compare the state of education in the North with that in the South. They would find that the state of tranquillity very much corresponded. They might devise some means of educating the lower orders: for until the barbarity which was the result of this ignorance was removed, they might rule Ireland by terror, but they would never produce tranquillity. The noble lord had said a good deal about the spirit of the lower orders in Ireland: but he had omitted to state that fact which they were proverbial—the kindness of their hearts. The fact was, they were a people to be governed by love and not by fear. The tranquillity of this country was to be secured by increasing confidence between the different

of the people, and not by that increase of severity which had been just recommended.

Mr. Secretary *Peel* said, there were two propositions before the House—that for the continuation of the law, and the amendment. Besides these, there were the recommendations of his noble friend who spoke last but one. He would defend that noble lord from any personal imputation, in consequence of the proposal which he had made; but he could not accede to that proposal. He would not have the coercion, enforced by this act, either increased or diminished. He considered it under existing circumstances a necessary measure; but, at the same time, he regarded it only as a temporary one. He thought that martial law should not be introduced but under the most urgent circumstances; and he therefore deprecated all allusion to it. It was beneath the dignity of parliament to hold out threats which it did not mean to put in execution. It had been complained on the other side of the House, that government had resorted to measures of coercion for the last twenty years. He would appeal to every candid man, whether every measure which had been suggested for the relief of Ireland had not been attended to with the utmost anxiety. It had been alleged that partiality existed in the appointment of sheriffs. The first act of the administration with which he was connected, had been to assimilate it as much as possible with the practice of England. Similar measures had been taken with respect to grand juries, the powers of which were said to be abused. The illicit distilleries were, at another time, alleged to be the cause of some of the disturbances. This had been partly remedied by the consolidation of the exchequers, and would be still further relieved. He sincerely believed that most of the evils which at this moment disturbed Ireland sprang from the maladministration of the common law of the land. So highly did he think of that law, that he had no doubt if it were vigorously and impartially administered, there would be no necessity for recurring to other means. It was for this reason that he wished to see the magistrates aided by an active and responsible body of police. The deficiency of magistrates had also been alleged as one cause of the disorders. This, too, had received the attention of the government. The lists of the various counties had been made out, for the purpose of revising them, and this

work was now going on alphabetically. Believing that early intercourse between Catholics and Protestants, and their receiving the same education, without any reference to religious differences, would have a happy effect in allaying discords and dissensions, he had, when he was in Ireland, endeavoured to form a society for this purpose. That endeavour had been to a certain extent successful; and, unless he was misinformed, a sum of 9,000*l.* had been this year added to the available funds of the society. Thus he had attempted to show the House that every measure, with the exception of Catholic emancipation, had been tried for the purpose of ameliorating the condition of Ireland. Did the noble lord think that the inquiry which he suggested could lead to any practical result. The extension of education in Ireland, and the improvement of the linen-trade, were doubtless important objects; but would it be desirable to take them into consideration together with twenty other things at the same time? The House had a very fair specimen of Irish inquiry in the one which was now going on relative to the sheriff of Dublin. If that inquiry had taken up so much time, what would the House say to an inquiry into the whole of the laws of Ireland, and the manner of their administration? With regard to Catholic emancipation, if it could be proved to him that it would cure all the evils of Ireland, he would accede to it; but he well knew that it would not have that effect, unless something were granted to the Catholics, which he was not prepared to concede. If the Protestant religion was to be maintained in Ireland, as the religion of the state, then Catholic emancipation would not be the basis of tranquillity. It might produce further contention; but it would not produce safety. He had heard that emancipation would not satisfy the Catholics, without a change in the mode of supporting the Catholic clergy. He hoped, however, that the Protestant religion would be maintained. He should be sorry to see the Catholic, the established religion of Ireland. At the same time, he would not wish for any thing which would be hurtful to the feelings of the majority of the people. He would propose a strict administration of justice, and the preservation of their rights, both to Protestants and to Catholics. He trusted he had shewn that Catholic emancipation would not tranquillize Ireland any more than the other

measures which had been proposed; and that as under the present circumstances of the country the Insurrection act was absolutely necessary, so it would be continued.

Mr. Spring Rice contended, in opposition to the assertions of the right hon. gentleman, that, dividing the interval since the Union into two periods, the latter commencing with the administration of the marquis Wellesley, there had not been, in the former period, any thing done by the government, worth mentioning, for the tranquillization of Ireland. It was not by Insurrection acts that that desirable object was to be secured. Something must be done in the south of Ireland to give increased means of employment to the people, or they must be enabled to emigrate to seek employment elsewhere. The increase of local taxation was an evil of great magnitude. It was hardly credible, that, within the last ten years, the local taxation of the city of Dublin had increased from 2,400*l.* to 27,000*l.* per annum. Though he approved of the amendment, he should give his reluctant support to the Insurrection act, because he felt that withdrawing it at the present time might give countenance to the disaffected, and weaken the efforts of the magistracy.

Mr. F. Fitzgerald supported the original proposition, and defended the conduct of the different governments of Ireland, who, he contended, had used their best efforts to tranquillize that unfortunate country. He expressed his astonishment, after the manner in which that House and the people of England had commiserated and relieved the distresses of Ireland, to hear it asserted that Ireland had only known England in her coercive character. The misfortunes of Ireland were to be attributed, not to the conduct of those by whom she had been governed, but to moral causes, which no government could effectually control.

Mr. P. Moore said, he had uniformly opposed this bill, and must continue to do so. With all the exertions of all the governments of Ireland, that country was now in a ten times worse state than ever. Instead of passing this act, he would rather throw the marquis Wellesley upon his own resources, by giving him a discretionary power to act as he thought fit.

Mr. Becker, if he could get nothing better, was bound to support the measure, bad as it was, as one of necessary pro-

tection; but he maintained, that if were wished effectually to put down existing evils in Ireland, measures of very different character were indispensable. The state of Ireland at the present moment was most alarming. He was persuaded, that nothing but the presence of a military force prevented the Irish people from using the arms which they had obtained by night, in open day and in open rebellion. A reduction of rents and commutation of tithes were among measures indispensable to the restoration of order in Ireland. But, all that was done should be done firmly, and without affording the slightest ground for the belief, that it was obtained by intimidation. It was most desirable to use the approach of summer season for the purpose of providing against the occurrence of the dreadful outrages which it was to be feared would otherwise break out in the winter. Adverting to the recent measures having for their object the purification of the magistracy, he expressed his doubts of their efficacy; knowing, as he did, that in many places efficient magistrates had been removed, and inefficient ones substituted. He would vote for the amendment in the first place; and, if that should be disposed of negatively, he would then vote for the original motion.

The House divided: For the original motion 162. For the amendment 92.

#### *List of the Minority.*

Abercrombie, hon. J.	Grenfell, P.
Allen, J. H.	Gordon, R.
Baring, sir T.	Griffith, J. W.
Barnard, vis.	Haldimand, W.
Barrett, S. M.	Heron, sir W.
Becher, W. W.	Hill, lord A.
Bennet, hon. H. G.	Hothouse, J. C.
Bentinck, lord W.	Horaby, E.
Benyon, B.	Hume, J.
Byng, G.	Hutchinson, hon. C.
Carter, John	James, W.
Cecilfield, hon. H.	Jervoise, G. P.
Cavendish, H.	Johnson, W. A.
Chakne, R.	Kennedy, J. P.
Custon, vis.	Knights, R.
Colborne, N. R.	Lamb, hon. G.
Creery, T.	Langston, J. H.
Darke, T.	Latouche, R.
Devisor, W. J.	Leycester, R.
Denman, T.	Leader, W.
Duncannon, vis.	Maberly, J.
Ellice, E.	Maberly, W. L.
Ferguson, sir R.	Martin, J.
Foley, J. H.	Milbank, M.
Folkestone, vis.	Maxwell, J. W.
Gleadow, vis.	Milton, vis.
Grattan, J.	Monck, J. B.

Moore, P.  
Newport, sir J.  
Normanby, visc.  
O'Callaghan, J.  
Ord, W.  
Osborne, lord F.  
Palmer, C.  
Palmer, C. F.  
Parnell, sir H.  
Pelham, hon. C. A.  
Philips, G.  
Philips, G. H. jun.  
Power, R.  
Price, R.  
Poyntz, W. S.  
Ramsden, J. C.  
Ricardo, D.

Robarts, G.  
Robinson, sir G.  
Russell, lord J.  
Robertson, A.  
Scott, J.  
Smith, J.  
Smith, W.  
Smith, T.  
Stanley, hon. E.  
Whitbread, S. C.  
White, col.  
Williams, J.  
Wood, M.  
TELLERS.  
Althorp, visc.  
Rice, T. S.

HOUSE OF COMMONS.

Wednesday, May 14.

FOREIGN WOOL TAX — SIR J. SINCLAIR'S PETITION AGAINST THE REPEAL OF.] Sir J. Sebright presented a petition from sir J. Sinclair, praying that the duties on foreign wool might not be repealed. He stated, that the petitioner felt convinced that if he could have an opportunity of exhibiting to the House the fine cloths which he had caused to be manufactured from English wool, it would go a great way towards convincing them how needless the importation of foreign wool was. It had been proposed to him to bring down a piece of cloth with the petition, and to cause it to be laid upon the table, for the inspection of members. To this he had replied, that the proposition was not a regular one. But there was another course, to which there could be no objection, and that was, for the petitioner to present him with a coat of the finest cloth made from English wool, in which costume he would appear before the House on presenting the petition. The proposition being acceded to, he was enabled to appear before them, as they now beheld him, and he trusted in no very discreditable condition. He begged leave to bring up the petition; and when he had committed it to the care of the House, he should wait a reasonable time in the lobby, to give those gentlemen who wished to satisfy themselves upon the subject, an opportunity for examination.

Ordered to lie on the table.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a committee to inquire into the conduct of the sheriff of Dublin, sir Robert Heron in the chair,

Mr. William Lewis was called in; and examined

By Colonel Barry.—What is your situation? —I am an attorney by profession.

Do you recollect going shortly after the riots to the gaol of Newgate?—I do. I was called upon to go to the gaol of Newgate, to see if I could identify any of the prisoners that were in custody for the riot at the theatre.

Who went with you?—Major Tandy. I was shown the yard in which the prisoners were. I did not point out any person there, that threw the rattle; but I did point out the person of a man, who answered the description of the person, that I thought threw the rattle from the gallery.

Did you ever afterwards hear who that person was?—I never saw until I saw it in the papers at Shrewsbury.

It was not George Graham?—I do not know that it was not George Graham.

You did not point out a person that you thought was the person who threw the rattle? —I did in this way; the man that I thought threw the rattle, was a man dressed in a particular garb, and the dress of that man answered my view of him in the gallery; but I could not identify his person.

Were you told afterwards, that that was not the man?—I was not; I was told that he was not then a prisoner.

Do you recollect afterwards being shown Graham?—I believe I do.

And you did not identify him?—Certainly not.

Do you now take upon yourself to say, that the man you pointed out to the under gaoler, was the man who threw the rattle?—I do not.

Do you now undertake to say, that George Graham was not the man who threw the rattle? —I do not.

Mr. Joseph Henry Moore called in; and further examined

By Mr. Brownlow.—Did you attend the grand jury in January last, under the impression, that bills of capital indictment were to be preferred before you?—Public rumour spoke to that effect, and I knew nothing to the contrary, until the counsel for the crown stated, that bills would not be sent up capitally; the general impression was so, certainly.

Were you aware that certain prisoners were committed capitally, for the play-house riot?—Such was the public report of the legal proceedings; I knew nothing until I heard it declared by the judge, that it had been withdrawn in a negative kind of way; I can answer that the court declared that the capital charge had been withdrawn. Until after the counsel for the crown declared that it was withdrawn, my impression was, that we were to try a capital offence.

Were not the jury sworn before the counsel for the crown stated that?—I cannot undertake



to say whether it was before or after, but I believe after.

Did you attend in court under that impression?—Certainly I did.

The right hon. *William Conyngham Phibbs* was further examined in his place,

By Colonel *Barry*.—Do you recollect the petit juries that were impanelled for the trials of the ribbon-men, in the beginning of November term last?—I recollect that there were petit juries impanelled for the trial of some ribbon-men, but I do not recollect who they were.

Do you recollect whether you challenged on the part of the crown, any, or how many, of the persons so on the panel?—I am almost certain there were challenges made on the part of the crown; how many, I cannot recollect.

Do you recollect the name of Barrett Wadden?—I recollect his name perfectly.

Do you recollect that he was the only challenge made on the part of the crown on that occasion?—I do not recollect that his name was called; I did not recollect having heard his name till the present occasion.

You stated on a former day, that you had seen the rules and regulations and extracts from the books of the Orange societies, would you have the goodness to state whether it was previous to, or subsequent to, the riot at the theatre, that you saw those extracts?—Certainly subsequent; I never had communication with the person from whom I received them, till long subsequent to the riot at the theatre.

*John Crosby Graves*, esq. called in; and further examined

By Colonel *Barry*.—Were not you examined before the grand jury, as a witness upon the bills of indictment sent up in January last?—I was.

What was the conduct of the grand jury to you; did they behave with courtesy and fairness to you in your examination?—I conceive so, certainly.

They showed no disrespect or impatience during your examination?—Certainly not.

Have the goodness to state any thing which comes within the question put to you?—On going into the grand-jury room, a statement was made to me; "it is unnecessary to interrogate you, Mr. Graves; you will have the goodness to state what evidence you think material which you can give." I did make such a statement of the facts within my knowledge, and the jury heard them with courtesy and politeness.

Do you recollect, at any period subsequent to the 4th of November, the persons that were around the statue being dispersed by the military, and some persons being wounded in that transaction?—I recollect hearing of the circumstance.

Have you any doubt that some persons dressing the statue were dispersed by military force, without any orders from the civil power?

—I heard so, I have no reason to disbelieve it.

Do not you conceive that would be an additional cause of irritation?—I certainly should contemplate it as one.

Have you ever seen the almanack for the year 1823?—I have, or rather the chronicle which is placed at the close of the almanack; it is bound up with the almanack.

A sort of annals of Dublin?—Yes.

That is furnished to the different offices at the expense of government, is it not?—It is. It is stated to be published by authority.

Did you ever see the account of the business of the theatre, as affixed to those annals as published by authority?—I did see two versions. One of the copies contained one reading of it, and another another, varying in the phrase. I recollect one stating that on the night of the riot at the theatre, a heavy piece of timber, and another stating that a heavy log of wood, was thrown at his excellency.

What did it say besides the piece of wood?—A quart bottle, I believe.

Did it not state a certain description of persons it was thrown by?—Assassins, I think.

And they added that he providentially escaped its taking effect?—I think that was the statement.

You were at the theatre that night?—Yes.

Did you see such a heavy piece of timber, or heavy log of wood thrown at the lord lieutenant on that night?—No; I believe that occurrence, whatever it was, took place while I was in the act of taking Mr. Forbes, whom I had apprehended by myself and another magistrate in conjunction with me, from the theatre, to the watch-house; I believe it occurred just in that interval, I did not see it.

Do you believe there was ever such a thing thrown?—I do believe a piece of timber; as to the weight of it, I have a pretty correct notion, but I can have no doubt that a piece of timber was thrown; I saw it produced upon the trial, and I saw it in the police-office.

Did it deserve the appellation of a heavy log of timber?—I think that was an exaggeration. I saw it in the police-office, and then measured it. It was precisely the head of such a rattle, as is bought in the toy-shops to go to a masquerade; less than a watchman's rattle, it weighed eight ounces and a half.

Was it proposed to you at any time, or in any place, to sign any informations respecting the persons who were accused of rioting at the theatre, or of conspiring to kill and murder the lord lieutenant, without having the informant before you, or without examining him as to the facts stated in his information?—No; it never was proposed to us to swear those informations at all, until subsequently to the committals, when we had the witnesses before us, and when we were directed to have the witnesses before us in the first instance; we had, at the police-office, before us, in the ordi-



nary course, several witnesses appear, who had made informations before us in the ordinary course; they were taken in the usual way, the party was attested to them, and the jurat subscribed by the magistrate, and the party bound over to prosecute, but there were other witnesses who went to the castle, who did not come to the police-office, who made statements which were taken in the shape of notes, but some of them attested by a magistrate, but we did not see them at all, till they were sent down to us to be attested, in the shape of informations; the witnesses were then brought before us, and interrogated as to the facts; they then ultimately subscribed them, and were bound over to attend the commission.

Are you to be understood, there were no informations before the committals?—I have stated, that there were some informations in the police-office, one of the principal ones against Forbes I had myself signed; others were sworn before other magistrates; but there was a great body of other examinations not at all before us.

Did you, in any case, refuse or decline to sign any information on any account?—No.

Any committal?—I stated the facts, with respect to the committals, upon the last occasion; I did put over on another magistrate in my office the duty of signing the committal, for the reasons which I stated on my last examination; and in point of fact, I did not sign any committal.

Was it proposed to you at any time, or in any place, to sign any informations respecting the persons who were accused of rioting at the theatre, or of conspiring to kill and murder the lord lieutenant, without having the informant before you, or without examining him as to the facts stated in his information?—I have before said no.

Were you ever called upon to attest any information which you were not suffered to read?—No.

By Mr. J. Daly.—You were at the theatre on the night of the riot?—Yes.

When you were there, were you inclined to believe there was any attempt at assassination?—I can state the facts that I saw, I did not see the bottle till it was held up; it was held up, and there was a cry of shame; I did not see the fact of the bottle striking, that circumstance induced me to leave the part of the house where I was, intending to go the gallery to from whence the bottle was thrown; in so doing, I observed that the noise and disturbance, the riot as I considered it, extended to the boxes, in those boxes I apprehended an individual, one of three in the act of using whistles; I took that individual to the watch-house, and it was during my absence from the house, that the rattle, the piece of timber was thrown.

While you were at the theatre, did you conceive there was a plan or a plot for assassination?—No.

You were absent at the time the rattle was

thrown?—I conceive so, for when I came back I heard a voice addressing the house from the middle gallery, adverting to that circumstance as having taken place; and it did not take place before I left the house.

By Sir J. Newport.—How long have you been in the magistracy?—Between eight and nine years.

Have you ever known any disturbance occasioned on the ceremonies of dressing the statue, by firing off guns and pistols in the streets, and alarming the inhabitants of College-green and its vicinity?—I have reason to know that the thing took place, that there was noise and letting off of guns; and confusion, and a crowd of people assembled, some of whom felt disapprobation, and some approbation.

Were any of the depositions laid before the grand jury?—I believe not; they are not, according to the existing law, laid before the grand jury unless they are called for, which was not the case here.

Did you see any of the placards that were thrown about the theatre?—I did.

What was printed on those placards?—A magistrate sitting in the box in which I did, alderman Darley, left the box, on an intimation of what appeared on one of those placards, and went up with a view to ascertain who had distributed them; that he failed in; he came down, and showed me three of them; on one of them there is printed, "No Popery;" on another, "The Protestants want Talbot, as the Papists have got all-but;" and "Fleming though he has got the mace, may find it hard to hold his place;" another was, "Ex-governor of the bantams must change his morning-tone."

By Dr. Lushington.—During the eight or nine years you have been a magistrate, did you ever receive orders to prevent any riot or disturbance on the day on which the statue has been usually dressed?—I have not received them, but such orders have been given.

Do you know that any riot or disturbance ever took place on the day when the statue was dressed?—Nothing that I know of, of any importance, until the July immediately preceding its being discontinued; I did hear of such a thing occurring on July 1822, that there was something of riot, a good deal of confusion and one or two persons hurt.

*Christopher Galloghly* called in; and examined

By Colonel Barry.—What is your situation?—A peace officer attached to the head police-office in Dublin.

Were you a witness before the grand jury, in January 1823?—I was.

How did the grand jury conduct themselves towards you when under examination?—As I conceive, as a grand jury ought to do.

Was it with civility and patience?—Yes.

They heard your whole story?—Yes.

Did anything whatever offensive happen to

you, while you were in the room?—Certainly not.

Did you see much of the riot we have heard so much of?—No, I did not.

You apprehended some of the rioters?—Yes, I was with alderman Darley, when he apprehended Henry Handwich. There was a great deal of noise in the gallery, and some said that Handwich should not go; others said that Handwich must go; Handwich said he would go with alderman Darley.

Had you ever any conversation about the bottle, of which so much has been said?—I had; I was placed outside of the theatre with other peace officers; Crosby, a peace-officer, came and said, there was a bottle thrown; I proceeded with Crosby and Irwine to the gallery, and we mentioned that we heard a bottle was thrown, they all said that no such thing was thrown from that quarter of the house. I mentioned to Handwich, surely no person would be so daring, as to throw a bottle at the representative of majesty; Handwich said, "no person there would throw it;" I replied, "if you had seen any person I conceive it was your duty to take him into custody;" and several said, they would have taken any person into custody, that they had seen throw the bottle.

*William Irwine* called in; and examined

By Colonel *Barry*.—Do you belong to the police-office?—Yes.

Were you a witness before the grand jury, in January 1823?—I was.

How were you treated, when you were brought into the grand jury room?—With civility, as gentlemanly conduct as could be.

The House resumed. The chairman reported progress, and obtained leave to sit again.

STATE OF NEWFOUNDLAND.] Mr. *Hume*, in pursuance of his notice, rose to call the attention of the House to the State of the Colony of Newfoundland. The subject was one of very considerable importance, and he hoped to be able to convince the House of the necessity of giving immediate attention to it. His object was to obtain a committee to inquire into the present state of the revenues, fisheries and laws of that island, which had been much neglected of late. A bill had been passed (49 Geo. 3, c. 26) for the establishment of a supreme court of justice, and, as far as the enactments had been carried into effect, had been productive of good; but its jurisdiction and benefits were limited, and the anomalous system of surrogate courts was allowed to continue in the other parts of the colony, although the inhabitants had memorialized the government, and peti-

tioned both Houses of Parliament again it. The hon. under-secretary (Mr. *Wilmot*) had some time ago, obtained leave to bring in a bill to regulate the affairs of the colony. But, when asked upon what information this House could legislate, there being no kind of information respecting the colony before them, except what is contained in petitions presented two years ago, the hon. secretary referred them to *Reeves History of Newfoundland*, written 20 years ago, for the facts relating to it: and he (Mr. *Hume*) could, after reference to that work, assure the House, that it furnished ample grounds for instituting an inquiry into the situation of that colony.

The House was not, perhaps, aware of the size and importance of the colony. In extent, it was larger than Ireland, and contained a population of from 90 to 100,000 souls. The state of its courts of justice, and the administration of the laws, was by no means suited for so large a population. It was an anomaly which ought not to exist in any British colony. The island had been compared to a ship of war, and not improperly, under the command of an admiral, who was the governor, and the offices under him entrusted to captains, lieutenants, and masters of the navy. The proclamation of the admiral on many occasions became laws, executed at the discretion of his officers. This system had originated when the colony was in a different state from the present one. Whilst the population consisted of individuals who only resorted to it in the summer season for the purposes of fishing, and returned to this country in the winter, it might have been proper, in the absence of civil judges, to give the commanding naval officer, and the officers under him, the power of settling disputes which too frequently arose amongst the fishermen. But the case was now very different. There was now a numerous population who remained on the island all the year, and their number was likely to increase if sufficient protection should be afforded them. It was indeed matter of surprise, that the British government should so long have allowed the inhabitants of that island to be so circumstanced. He had examined the system—if system it could be called—both as regarded the laws to be administered, and the manner in which they are administered. He found it to be temporising, without any regular plan, and chiefly left to the discretion of the

admiral and the officers he appoints. He did not wish to cast any improper reflection on the officers of the navy; but every person who knew what the general education of naval officers was, must admit, that it did not fit them for the exercise of that discrimination and patience so essential in the administration of justice. Their education was of a different cast, fitting them more for absolute command, and for prompt decision in the enforcing their orders. They were habituated to an arbitrary and summary system, which, however useful in a ship, was neither necessary or agreeable any where else. The evils arising out of this system had been set forth in a memorial from the inhabitants of the colony to his majesty's government, and in petitions to both Houses of Parliament. They stated, that in the neighbouring British colonies of America and everywhere else, the judgment-seat is filled by gentlemen of professional education, and previous experience at the bar; but, in Newfoundland, the administration of justice is confided chiefly to the hands of captains, lieutenants, and even masters in the navy. The officers of such ships of war as are on the station are invested with surrogate commissions immediately on their arrival, and sent in the character of judges on maritime circuits to expound the laws of England: that under those circumstances the petitioners had little chance of obtaining justice. When the petition was presented to the House, on May 28th, 1821, an hon. member (sir Isaac Coffin) stated, "that he had himself been a surrogate. The mode of proceeding was, whenever the surrogate or admiral went on shore at any of the settlements, he took a boatswain's mate with him; and when any of the persons engaged in the fishery was brought before him for any offence, he ordered him a dozen lashes, and then sent him back again on board his fishing-boat. That was the law in his time." This he (Mr. Hume) believed to be still the practice in the remote parts of the colony; and was it, he would ask, possible that any thing like justice could be obtained, or satisfaction exist, under such an arbitrary system of proceedings?

From such proceedings he excepted St. John's, where a regular court had been established under the 49th of the late king, and he believed that much benefit had been derived by the colony from the valuable services of Mr. Francis Forbes,

who had been chief judge in that court. Indeed, the advantages which had been enjoyed by those within the jurisdiction of Mr. Forbes had induced the inhabitants of the other districts of the island to wish for the abolition of the surrogate courts, and the extension of the powers of the supreme court. One of his reasons for proposing the appointment of a committee at the present time was, that it might have the advantage of Mr. Forbes's evidence on the state of the colony, which his residence and observation there had enabled him so well to give. Mr. Forbes was now in England, and preparing to proceed, as judge, to another colony, and it was very important to the efficient administration of justice in Newfoundland, that its present condition should be explained by such men as Mr. Forbes. He should be able to show, by evidence before the committee, that the proceedings of the supreme court under Mr. Forbes had given satisfaction to the colony, whilst the proceedings of the surrogates were the reverse. It was a reflection on his majesty's government, that such a system had been so long permitted there, as the abuses were numerous and most mischievous. In one of these courts, for example, he was informed, that he should be able to prove, that near 30 suits had been carried on by one brother as plaintiff, before his brother, a surrogate, and that the verdicts were all in favour of the plaintiff, though, as he was informed, contrary to law and justice. The name of the judge was Carter, and he wished to establish these facts by so respectable a witness as Mr. Forbes. He would also establish, by the evidence of the governor, admiral sir Charles Hamilton, who was now in England, and by Mr. Forbes, many extraordinary proceedings which had officially come to their knowledge; and which were of importance to be known by this House before they could, with propriety, legislate to remedy the existing abuses.

The trials in the supreme court in November 1820, of Philip Butler and James Landergan, versus David Bushan, esq. and rev. John Leigh, surrogates, shewed the severity exercised by them on the inhabitants, by flogging for trifling offences. The verdict of one jury was, "The jury, in finding a verdict for the defendants, cannot allow this opportunity to pass, without expressing their abhorrence of such an unmerciful and cruel pu-

nishment, for so trifling an offence, as that which has been inflicted upon the unfortunate plaintiff in this action."

An equal disregard to property and to public opinion, was often shown by the surrogates, and one example would suffice. A planter of the name of John Houlahan, was charged before the surrogate court of Fenyland for debt, and judgment given against him to the full amount of the claim. Mr. Robert Carter, the judge, instead of notifying to him, in the usual way, the order of the court, and that execution against his property would be levied, proceeded himself on the same morning that he gave judgment, to the estate of Mr. Houlahan, a distance of 20 miles from his own court, attended by Mr. Morrison a magistrate. The deputy sheriff attended, and, at 11 o'clock gave notice that the sale of Mr. Houlahan's estate and cattle would take place at 12 o'clock, to satisfy the award of the Court; and one of the conditions of sale was ready money at 4 o'clock—a most unusual condition of sale, and supposed to have been made with the intention of preventing bidders at the sale. If a committee was appointed, he should be able to prove, from the official statement in his hand, that owing to the want of due notice, and the conditions of sale, the cattle and property sold for one-fourth of their value; and that Mr. Robert Carter the surrogate, who directed these extraordinary proceedings, actually bought 10 of the 16 lots exposed to sale—that Mr. Morrison the magistrate, who accompanied him, purchased the largest lot, the plantation, for 56*l.* 10*s.* when its estimated value was about 200*l.* That in this manner, the property of Mr. Houlahan, which was estimated worth 300 or 400*l.* sold for 83*l.* nett. This was a specimen of the manner in which justice was administered in the surrogate courts; and constituted as they were, it was in their power to ruin any man, under the forms of laws, and in the name of justice.

A bill was now before parliament, to amend the constitution of these courts, but the House ought not to proceed without entering into a full investigation of the subject before a committee, and thoroughly considering whether the alterations proposed would remedy the grievances which existed. These grounds, however, were not the only grounds on which he wished for inquiry. He was ready to prove, that the government of

Newfoundland was carried on at a enormous expense, and that its revenues were not brought to the public credit, and administered in the best and most economical manner. At present, there were five or six vessels of war of different rates stationed at a great expense at Newfoundland, for no other purpose, in time of peace, than that he (Mr. H.) could discover except to give the admiral the allowance of governor, and to allow him to appoint the commanders, officers, and surrogates with extra allowances. The admiral thereby had also a plea for extending the patronage by promotion, which would be found to have been considerable on that station. The colonists wished to have instead of these naval judges, a resident civil government in the island; and he was certain that, in the committee he should be enabled to prove that such a government would not only be less expensive to the country, but also more beneficial to it, and to the colony than the present system. Indeed alteration in that system was absolutely necessary by the change that had taken place in the colony. Its population had risen from a few thousands to near 100,000 souls, and its commerce had also increased in proportion. Its exports had exceeded two millions, and its imports half that amount of British manufactures in one year. Upwards of 460 ships actually entered the port of St. John's in the year 1820. The colony would have been of much greater importance, if the laws and restrictions which have been in force not interfered with their fishery and trade and checked their prosperity. The acts of the 10th and 11th of William the 3rd, and the 15th and 26th of George 3rd, professedly to protect, had done much injury to the colony; and such a consideration ought to induce this House, without further delay, to ascertain whether what he had stated was true or not. He was prepared to prove, that the recent treaty with America, aided by the 4th of George 4th, which imposed a duty on flour and bread imported into Newfoundland had nearly ruined the colony. The disadvantages under which the inhabitants of the colony now laboured were such, that the Americans and others would destroy the fishery—they would *outfish* us on our own shores. No wheat was grown in the island, and as the Americans had the provisions cheap, it was obviously our duty to make provisions as cheap as possible.



sible in the colony, to enable the inhabitants to compete with them. So impolitic, however, were the acts which imposed a duty on all flour and provisions imported; and so vexatious were the regulations, that the price of provisions had been increased as the trade decayed; and the Americans were even allowed to fish in parts where our people were prohibited.

If the arguments which he (Mr. H.) had urged were not sufficient to induce the House to institute the inquiry proposed, he trusted that it would pay attention to the request of the inhabitants, set forth in a petition laid on the table, by his hon. friend (sir J. Mackintosh) the member for Knaresborough. The inhabitants complained in that petition, and in a memorial to the king, of the want of a colonial legislature, to which they had a better title, than Prince Edward's Island, where the population was not half that of Newfoundland. It was well known, that the British merchants who traded with the colony, were averse to their having a legislative assembly, which the inhabitants considered necessary to protect their interests; and he (Mr. H.) was convinced, that these conflicting interests could be best inquired into before a committee. The inhabitants complained of the surrogate courts, whose acts had been already explained—that men were reduced, in one day, from affluence and comfort, to poverty and wretchedness, by the arbitrary laws of these courts—that they were taxed without being represented, which was the right of all British subjects. They declared, that they laboured under restrictions most prejudicial to the cultivation of the soil:—that sir Charles Hamilton had compelled many of the inhabitants to pay fines for the renewal of their leases, long before the leases expired:—that the revenues of the island amounted to 16 or 18,000*l.*, and, if properly applied, would defray all the expenses of a civil government, and render it unnecessary to call on England annually, to pay the expenses of the government, as it now did. He did not believe that the accounts of the revenue were transmitted to the Audit Office from Newfoundland, as from other colonies, which required the immediate attention of this House.

Under all these circumstances, and at the present time when it was so desirable to lessen the public expenditure, he (Mr. H.) trusted, that no opposition would be

made to the motion with which he intended to conclude, and in which he was willing to make any modification, if objections were only made to the form.—The hon. member then moved, “That a select committee be appointed to take into consideration the state of the fisheries, the revenue, the laws, and the administration of justice in the island of Newfoundland, and to report the evidence taken, and their opinion, to the House.”

Mr. *Wilmot* declared his intention of opposing the motion for a committee, because the reasons on which the hon. member for Aberdeen had proposed it were incorrect in point of fact. With regard to the surrogate courts, he had himself brought in a bill to amend their constitution, and had stated in bringing it in, that it was his intention at a future stage of it, to propose a clause to extend the jurisdiction of the supreme court, and only to use the surrogate courts at those places which were at a distance from the town in which it held its sittings. The hon. member for Aberdeen had said, that Newfoundland had as good a claim to a separate civil government as Prince Edward's Island. In that argument he did not think the hon. member had been very fortunate; for he believed that at present the inhabitants of Prince Edward's Island, were desirous of being released from the shackles of a local legislature. Besides, there were circumstances in Newfoundland to prevent such a legislature from being established. There were no roads in the island; and, in winter, there was no communication with the capital except by sea, which was not at all times free from danger. In summer, all persons of property on the island—and those were the individuals out of which the local legislature, if it ever existed, must be selected—were busily engaged in carrying on the fishery.—The hon. gentleman proceeded generally to contend, that in no view had a case been made out for a committee. With respect to the hon. member's specific charges of abuse, if they had been put into a tangible shape, he (Mr. W.) might have been prepared to answer them. As for the fees complained of in the sheriff's court, there was a regular table of them. Why had not the hon. member made a motion for papers? The fishery treaties might, or might not, be objectionable; but if they were faulty, a committee was not the course to set them right. The hon. member complained, and



with some show of justice, that the proclamation of the government should be the law of the country: but this it has not been the case with the case of justice. Another ground of complaint was the restrictions upon colonizing the soil. These restrictions seemed in a very slight if in any, degree. The hon. gentleman after protesting against the throwing out of charges brought, and upon legal evidence, against a man of Sir Charles Hamilton's character, decided that for all the evils which were capable of being removed, the bill which he was about to introduce would prove a remedy. This bill had been got up under the advice of the late chief justice of Newfoundland, and upon suggestions made by a committee of the inhabitants of that county. Better authority, he thought, the hon. member for Aberdeen could not himself desire.

Mr. M. A. Taylor said that although he entertained the highest respect for the character of Sir Charles Hamilton, he would nevertheless give his vote in favour of the present motion. He must confess that, in the whole course of his parliamentary experience, he had never known a case that called more strongly for a committee. Every fact stated by the hon. member for Aberdeen had been answered. And how had he been answered? By the hon. secretary. In substance, he said, "Oh, I know that the grievances you mention exist, but what is to be the remedy?" Trust to the hon. secretary, who had not long filled his present office, and who, in the course of the last session, intended to produce a bill for removing the evils that now oppressed the island. He was not totally ignorant of the state of Newfoundland. He had been the representative for Poole in three parliaments, and in that character had become acquainted with many circumstances illustrative of the state of the island, its government, and resources. Its inhabitants had once been nearly reduced to starvation; and the present Lord Bexley, then chancellor of the exchequer, had been obliged to send them food for their support. As to the administration of justice, he knew that, in many instances, magistrates of seventeen years of age had been appointed magistrates. The hon. secretary had asked, why the hon. member for Aberdeen did not make a motion for papers on every one of the grounds of complaint? Now, really, the hon. member had made a sufficient number of motions;

but if he were to follow the advice of the hon. secretary, he would have all his former motions in his pocket. The hon. secretary had answered that the House should examine the witnesses, but that if they believed it, they should have a committee of inquiry appointed. Now, common sense would not have done this. The House would not have considered it the bill. Mr. Fanning, the hon. member, had been assured that he was the petitioner was now in the country, and would have been examined by a committee. The result had been most unsatisfactory. The hon. member had been told that the House should know what to do, but that they would not. The Committee were asked to examine witnesses in that. Now, a committee would examine the House to know whether those witnesses were true, and how they might be prevented from affecting the proceedings of the House. The hon. secretary had made out, if possible, a stronger case for inquiry than the hon. member for Aberdeen. But, perhaps, on every principle of justice and equity, the hon. member should be assisted in.

Charles Gordon mentioned the dropping of charges in 1847 against officers who were not present in certain detachments.

Mr. Gordon thought it probable that all the charges might not be proved. He knew enough of the country to know that it supported inquiry. He would not ask whether this or that officer had acted improperly. He would ask whether he should be in the House? If the state of the country were as it was known in the country, further investigation might be necessary. He would demand the names of all the parties from the island, and would not win that committee would do what was done. He had been told that the hon. member for Aberdeen would not allow the bill to pass, without again bringing forward the question of inquiry.

Mr. Bullock supported the motion. Sir J. Norrish said that the House would have to decide whether the intended bill was likely to be beneficial or otherwise to the island. It seemed to him to be the most possible improvement which could be made.

Mr. Howe in reply, maintained that nothing he had advanced had been answered: and asked, whether an inquiry was to be refused where the interests of justice were at stake? Subjects were suggested:

He had not made one charge until he had examined both men and documents as to its truth. He did not pledge himself to support local legislation; but he wished for a committee of inquiry, in order to do ample justice to the claims of a very large body of individuals, and to benefit this country by assisting the commerce and supporting the interests of her colonies.

The House divided: Ayes 27, Noes 42.

*List of the Minority.*

Bennet, hon. H. G.	Rice, T. S.
Blake, sir F.	Ricardo, D.
Butterworth, J.	Robarts, col.
Creevey, T.	Rickford, W.
Denman, T.	Russell, lord J.
Ebrington, visc.	Scarlett, J.
Folkestone, lord	Stanley, lord
Gurney, H.	Taylor, M. A.
Glenorchy, lord	Whitbread, S. C.
Leader, W.	Whitmore, W. W.
Marjoribanks, S.	Wood, M.
Monck, J. B.	Wilson, W. W. C.
Maberly, W. L.	TELLERS.
Newport, sir J.	Hume, J.
Palmer, C. F.	Bright, H.

HOUSE OF COMMONS.

*Thursday, May 15.*

SLAVERY.] Numerous petitions, from various parts of the kingdom, were presented, praying for the Abolition of Slavery.

Mr. *Baring* presented a petition from the agents of the West India colonies against any interference with the existing laws respecting Slavery. The hon. member said, he would not then express any opinion upon the question which was to be discussed that evening; but he could not refrain from observing, that it was one of the greatest importance, and involved the security of property to an immense amount, belonging to subjects of this country, as well as the lives and means of subsistence of all the West India colonists. The petitioners had no objection to the amelioration of the condition of the slaves. Indeed, they considered that amelioration as essential to the welfare of both parties; but it was another question, whether property, which had been acquired under the sanction of that House, should be taken away. If that property was to be said to be stamped with the character of immorality and injustice, he should be glad to know what improved morality and justice there was in the arbitrary deprivation of property, the acquisition of which the laws had allowed? He had always been a

sincere abolitionist, and he had never given a vote with more pleasure than the one he had given on that question. He was also anxious to relieve the present race of slaves in the West Indies; but he was of opinion, that any measure having that object in view should be dictated by prudence and reason, and not by the new lights of enthusiasm and madness. To bring forward the subject of the abolition of slavery in that House, was to shed blood in the West Indies, and to cause a rebellion.

The several petitions were ordered to lie on the table, and to be printed.

LAW MERCHANT.] Mr. *J. Smith* moved for a committee, "to inquire into the state of the Law relating to Goods, Wares, and Merchandize, intrusted to Merchants, Agents, or Factors, and the effect of the Law upon the Interests of Commerce, and to report the result of that inquiry with their opinion thereon, to the House."

Mr. Serjeant *Onslow* said, he could not allow the motion to pass without returning his thanks to the hon. member who had brought it forward.

Mr. *Marryat* doubted the expediency of altering the law on this subject. A great deal had been said about the situation of merchants and factors, but the truth was, that neither merchants nor factors were materially interested in the question. Those who stirred in this matter were the brokers, who were in the habit of advancing large sums of money on goods, without inquiring of those from whom they obtained them, whether they were their own property or not. By such practices they sometimes made great gains, but being exposed to occasional losses, they came to parliament to ask that they might be screened from the effects of their own imprudence by an alteration in the law of the land. He contended, that the evils under the law might be easily obviated.

Mr. *Sykes* thought that some alteration in the present law was absolutely necessary, as he had known instances in which the grossest frauds had been committed with impunity.

Mr. *Robertson* was opposed to the measure, and deprecated the intention of giving the consignee the power of making immediate money of the goods of the consignor under certain circumstances.

Mr. *J. Smith* said, that all he wished

for was an inquiry into the present state of the law, as he was confident that under it the greatest frauds and evils occurred.

The motion was agreed to.

ABOLITION OF SLAVERY.\*] Mr. *Fowell Buxton* rose, and addressed the House nearly as follows:—

Sir; I feel so sure, that every gentleman is prepared to ask me one obvious question, that I cannot do better than save the time and curiosity of the House, by affording that question an immediate answer. The question which, as I suppose, gentlemen are anxious to put, is, Why do you move in this question? What right have you to interfere in this great cause? Is there not in the House, and even by your side, a man to whom, when a motion on slavery is to be made, all eyes naturally turn; a man who now, for a period very little short of forty years, has been the faithful, indefatigable, eloquent, and, upon one great occasion, the victorious advocate for the negro? I hope there is no one, who deems so meanly, and I will say so unjustly of me, as to suppose that I encroach uninvited on the province of my hon. friend. It is in compliance with the earnest request—it is in obedience to the positive injunction of him whom I honour as the father of the cause, and who, no matter who may introduce the subject, must ever be recognized as its truest and best advocate—it is at his express bidding that I now rise.

Before, however, I enter on the important, and, as some gentlemen deem it, the very perilous question of which I have given notice, I feel myself called upon to advert to the advice which I have received, and to the warnings with which I have been favoured, of dreadful evils likely to be produced in the West Indies by the agitation of this subject. It is no slight matter, I have been told, and I admit it, to agitate the question at all. It is no slight matter to excite apprehensions, even the most groundless, in the minds of persons so respectable as those who signed the petition which has just been presented by the hon. member for Taunton. I can truly say, that I feel no degree of animosity, I harbour no species of prejudice, either against the whole body,

or against any individual, of persons connected with the West Indies. I consider the condition of the West-Indians as unfortunate; particularly the proprietors, in this, that their successors were to be to property in a which, at that time, was considered to be moral and correct; but which, when viewed in the light of the principles of justice and humanity, is found to be irreconcilable with the principles of justice and humanity. With these feelings towards the West-Indians, deeming them rather unfortunate than culpable, I do consider no slight matter to introduce any painful to their feelings.

It is no slight matter to drag into public view before the nation, and before surrounding nations, jealous of the reputation of this country, the worst, the only capital stain, on British policy at a moment, too, when we have felt so keenly, and expressed ourselves so warmly, and all but incurred the hazard for the sake of a nation in political servitude: it is no slight matter to divulge the facts, that, of British subjects, there are one million living in personal slavery—not Spanish, but our own fellow subjects; not threatened with but enduring, not political interference but personal slavery,—“personal slavery in comparison of which,” said Mr. Fox, “political slavery, much as I hate it, is a bare metaphor.”

I have heard much privately—and the House has heard somewhat publicly—the responsibility which I incur by the agitation of this question. And I admit that a man ought to be pretty sure that his cause is good, as I am; and not only that his cause is good, but that the time is discreetly chosen, as I am; and that he is free from all personal considerations and prejudices, as I am; before he ventures to reject such advice, and to incur such responsibility. Why, then, do I incur that responsibility? First, because I am quite sure that the dangers, if not absolutely groundless, if not utterly imaginary as I believe they are, have been over-rated: and, secondly, because I am sure, that it is impossible to over-rate the real and substantial blessings that will accrue to a million of men, by the agitation of this subject in this House. I have not a notion that slavery can end without investigation. It must perish when once brought under the public eye. And

\* From the report published by the Society for the Mitigation and gradual Abolition of Slavery.

feel confident that a few minutes ago, we commenced that process which will conclude, though not speedily, in the extinction of slavery throughout the whole of the British dominions.

The good, then, to be obtained is incalculable. Now let us consider, for a moment, the price we are to pay for it. We have heard a good deal of late of the danger of insurrection in the West Indies. If this were the first time that slavery had ever been mentioned in this House; if I were the first rash man who had ever ventured to commiserate the condition of the negroes, perhaps there might be something alarming in the allegations of danger. But, it does so happen, that this same subject of slavery, and that infinitely more delicate subject of emancipation from slavery, to name which in this House, said the hon. member for Taunton, is to shed blood in the West Indies, have been debated again and again and again within these walls. It does so happen, that a committee of this House sat some thirty years ago, took evidence on this subject, and, what was unusual then, published it to the world. A committee of the House of Lords did the same. A committee of the privy council did the same. And it does so happen, that during those thirty years, every man of distinction in this House, without exception, has put forth his opinions on these subjects: not only the men professing to be the most eager for liberty, and who, therefore, might be supposed to overlook all dangers in pursuit of their favourite object—such men as Mr. Fox, Mr. Sheridan, Mr. Whitbread, and sir Samuel Romilly—but the very opposite of these in every point, except in point of talents; men, whose whole strength was opposed to the pursuit of ideal good, at the expense of present danger. When such men as Mr. Burke, Mr. Dundas, Mr. Pitt, Mr. Windham, and my lord Grenville: when such men as these unreservedly and repeatedly avowed their sentiments on the condition of the slave; when they saw no danger in the avowal; when, of these cautious men the most cautious, Mr. Dundas, and the least addicted to change, Mr. Burke, each of them prepared, and one of them introduced into parliament, a bill for emancipation of the negroes, which, if it had passed, would have been in operation three-and-twenty years ago, and would have liberated, by this time, half the slaves in the West Indies—when, I say,

these men thus thought, spoke, and acted; when they did so, in despite of those very arguments, and, as I will presently show, in defiance of those very warnings which have been offered to the House this night, I should feel that I betrayed a good cause if I suffered myself to be intimidated by any such extravagant apprehensions, or amused from my purpose by predictions which the fact, hitherto, has never failed to falsify.

It is at least a singular fact, that no motion was ever made in this House, on the subject of negro slavery, which has not been met with just the same predictions. No matter what the motion was; it was always attended with the same predictions in almost the same language.

In the year 1787, a very feeble attempt was made to abate the horrors of the middle passage—to admit a little more air into the suffocating and pestilent holds of the slave-ships. The alarm was instantly taken. The cry of the West-Indians, as we have heard it to-night, was the cry of that day. An insurrection of all the blacks—the massacre of all the whites—was to be the inevitable consequence. In the House of Lords, a man of no mean consideration in point of rank, the duke of Chandos, besought their lordships not to meddle with this alarming question. He might, he said, pretend to know a little more of the subject than their lordships—that his pockets were filled with letters from his correspondents in the West Indies, who declared, that the English newspapers were read by the negroes as regularly as the ships brought them; and that, so soon as they should come to the paragraph announcing that their lordships had thought it fit to lessen the sufferings of the middle passage, they would burst out into open rebellion! The bill passed, however; and, somehow or other, the prediction was not verified. About the same year, my hon. friend commenced that career with which his name will always be coupled; and which he brought to a glorious termination twenty years afterwards. Let any gentleman look to the proceedings in any one of those twenty years, and he will find three things:—First, an effort made by my hon. friend on behalf of the negro: next, on the part of the West-Indians, a prediction of insurrection amongst the blacks: and, thirdly, that prediction contradicted by the events of the year. Not only was each separate prophecy falsified by the fact; but, it is really remarkable to



observe, if you place the whole train of prophecy on the one side, and the whole train of events on the other. how fully the latter refutes and overturns the former. Those twenty years, which, if the West-Indians are true prophets, ought to have been marked with perpetual violence, bloodshed, and desolation, were, in point of fact, remarkable for a degree of tranquillity in the British West Indies, unexampled in any other period of their history.

Again : at that time, this country was so greedy of the gains of slave-trading, that she not only supplied her own colonies with slaves, but became the carrier of other nations. My hon. friend, with his usual vigilance, discovered this ; and introduced a bill to stop the practice. The cry of danger was revived. "If you stop that trade," said, in this House, the agent of one of the West-India islands, "you will occasion an insurrection of all the blacks. You will cause the murder of all the whites." But this—perhaps the fiftieth prediction of the same kind—was utterly falsified by the fact. Our negroes actually did not rebel because we ceased to supply rival colonies with slaves.

In the year 1802, lord Seaforth discovered a series of the most horrid and shocking murders that have ever been brought to light. I will not vex the feelings of the House, by detailing the barbarous particulars. But many hon. gentlemen will, no doubt, remember them—particularly the fact of the boy, who was killed in the gully. In short, never were there greater cruelties, than those perpetrated at that time in Barbadoes, by white men upon black. Some persons were brought to trial ; convicted upon the clearest evidence ; and punished with all the rigour of the law. And—what was all the rigour of the law ? A fine, somewhat less than we, in this country, impose upon a man for killing a partridge : eleven pounds, four shillings, was the fine for these detestable murders. The governor proposed to the legislature of the island, that murder should be made a capital offence. The answer was precisely the same as that contained in the petition laid upon the table this evening—"It will cause a rebellion." The negroes, no doubt, would have been so shocked at the possibility of a white man suffering death, merely for killing one of themselves, that they would have taken to arms !

I will only notice one other prediction

of the same kind. In 1817, less than five years ago, governor stated in a letter to lord Bathurst "many acts of unice and unkindness towards the slaves had come to knowledge, and particularly in the case where iron collars and chains were added to their punishment, after undergoing a severe whipping." states the following cases of who were brought to governor in chains, in which they were work by their owners or managers the last three months :

"1st, A boy, about fifteen age : a large iron chain round fastened with a padlock, total 22 lbs.

"2d. Two girls, of twelve years each marked by the effects of whip ; fastened together with iron round their necks, padlocked, 18 lbs.

3d, A full grown man, a flogging with the cart-whip, and an iron collar and chains, weight 18 lbs.

"4th, An old man, appeared years of age, after having been beaten by his master, was placed in stocks, with an iron collar round and chains, weighing 20 lbs.

"5th, A boy, about twelve age, loaded with an iron collar and log of wood, weighing 25 lbs.

What was the effect of the abuse of this abuse ? The effect was grand jury of Dominica, who a few days afterwards, presented the governor as a nuisance. Here is the report of the grand jury of 1817 dated 25 August, 1817.

"The grand jury of our sovereign the king do present : first, That the state of the island is in the same state as in the last, notwithstanding the repeated efforts of former grand juries : The grand jury lament, that under the necessity of noticing a per interference, on the part of the governor, between master and slave has caused considerable discontent amongst the negroes, and is likely to lead to dangerous consequences."

Now, Sir, if the grand jury state that these whippings, and "punishments," as the governor calls them, produced agitation amongst the negroes and that the interference of



had produced dissatisfaction among the whites, the presentment would have been very intelligible. But, when they say—and in such a formal manner too—that the slaves would be dissatisfied at the interference of the governor, which was intended for their protection—as if they felt themselves, as of right, entitled to be flogged, chained, ironed, and padlocked; and as if they were so tenacious of this, their precious right, that they would burst into rebellion, if any symptom were shown of a disposition to rob them of it;—this is really a little too much for English ears!

Precisely parallel, however, to this is the argument against me. I interfere, it is true. I shall offer suggestions, tending to improve the condition of the negroes. But, I should be glad to know which of these is likely to produce agitation and discontent amongst them. One of our first propositions is, That the slave shall have Sunday for rest and religious instruction; and that another day in the week shall be allowed him for the cultivation of his provision-ground. Is there any thing irritating in this?—Next, we say, That all Negro children, born after a certain day, ought to be free—free from their birth—never subjected to be bought and sold, and whipped, and brutalized. Surely, such a provision will be far from producing discontent! I am informed, on what I consider the best authority—that of a person intimately acquainted with the feelings of the negro population—that he knows of no bond, so likely to secure their fidelity, as benefits conferred on their children—the advantages of education—and freedom.—Next, we propose to get rid of the cart-whip. Will the negro be offended at that? Is he so fondly attached to the cart-whip, that, in order to secure the continuance of its use, he will rise in rebellion? In point of fact, all we propose to do is this—to ameliorate the condition of the negro—to give him something like the protection of British law—to reduce, not so much the power, as the possible abuse of power, in the master—and, above all, to rescue his children from that terrible condition, of which he well knows the bitterness. And, what is there in all this, calculated to rouse the furious passions of the negro? On the contrary, I am fully persuaded, that security is to be found—and is only to be found—in justice towards that oppressed people. If we wish to preserve

the West Indies—if we wish to avoid a dreadful convulsion—it must be by restoring to the injured race, those rights which we have too long withheld.

I must notice one point requiring consideration, both from the West-Indians and from the members of his majesty's government: I mean the great change which has taken place during the last twenty or thirty years. What does the negro, working under the lash on the mountains of Jamaica, see? He sees another island, on which every labourer is free; in which eight hundred thousand blacks, men, women, and children, exercise all the rights, and enjoy all the blessings—and they are innumerable and incalculable—which freedom gives. Hitherto, indeed, no attempt has been made, from that quarter. The late emperor Christophe, and the president Boyer, may have been moderate men; or they may have found at home sufficient employment. But, who will venture to secure us against the ambition of their successors? It would be singular enough, if the only emperor who did not feel a desire to meddle with the affairs of his neighbours should be the emperor of Hayti. I touch lightly upon this subject. Let government—let the West-Indians—justly appreciate the danger with which they may be menaced from that quarter. It is a danger, however, which is aggravated by all the hardships you inflict upon the slave, and is abated exactly in proportion as you abate the misery of his lot.

Look at America. She may send at her own leisure, and from the adjacent shore, an army to Jamaica, proclaiming freedom to all the slaves. And—what is worse still—she may do so in exact conformity to our own example; not only in the first American war, but in the recent contest of 1813. Surely there is a lesson in this. And what is the lesson it teaches? That we ought to grind down the negro, until almost any change will be for the better—or that we shall upraise him in the scale of being, till almost any change will be for the worse? Mr. Pitt declared, that “it was impossible to increase the happiness, or enlarge the freedom, of the negro, without, in an equal degree, adding to the security of the colonies, and of all their inhabitants.”

I do not mean to say, that there are not very great perils connected with the present state of the West Indies. On the

contrary, I am quite sure—as sure as it is possible for any man in the House or in the country to be—that there is imminent peril at the present moment; and that that peril will increase, unless our system be altered. For I know, wherever there is oppression, there is danger—wherever there is slavery, there must be great danger—danger, in proportion to the degree of suffering. But the question is, how that danger can be avoided. I answer, that it is to be avoided by that spirit of humanity which has avoided it in other places—by doing justice to those whom we now oppress—by giving liberty for slavery, happiness for misery. But even supposing the danger of giving to be as great as the danger of withholding; there may be danger in moving, and danger in standing still—danger in proceeding, and danger in doing nothing: then, I ask the House—and ask it seriously—whether it be not better for us to incur peril for justice and humanity, for freedom, and for the sake of giving happiness to millions hitherto oppressed; or, whether it be better to incur peril for slavery, cruelty, and injustice—for the sake of destroying the happiness of those wretched beings, upon whom we have already showered every species of calamity?

I now come to tell gentlemen the course we mean to pursue: and I hope I shall not be deemed imprudent, if I throw off all disguise, and state frankly, and without reserve, the object at which we aim. The object at which we aim, is the extinction of slavery—nothing less than the extinction of slavery—in nothing less than the whole of the British dominions:—not, however, the rapid termination of that state—not the sudden emancipation of the negro—but such preparatory steps, such measures of precaution, as, by slow degrees, and in a course of years, first fitting and qualifying the slave for the enjoyment of freedom, shall gently conduct us to the annihilation of slavery. Nothing can more clearly show that we mean nothing rash, nothing rapid, nothing abrupt, nothing bearing any feature of violence, than this—that if I succeed to the fullest extent of my desires, confessedly sanguine, no man will be able to say, I even shall be unable to predict, that at such a time, or in such a year, slavery will be abolished. In point of fact, it will never be abolished: it will never be destroyed. It will subside; it will de-

cline; it will expire; it will, as it were, burn itself down into its socket and out. We are far from meaning to tempt to cut down slavery in the full maturity of its vigour. We rather shall leave it gently to decay—slowly, silently, almost imperceptibly, to die away, and be forgotten.

Now, see the operation of our principle. We say—No more slaves shall be made; no more children shall be enslaved. At present, we have in our colonies, a certain body of slaves. This will be reduced (to use a military phrase) by a casualties; but it will not be replenished and re-inforced by any new recruits. At present, the number is about a million. Next year, that number will be somewhat abated. In ten years' time, it will be visibly diminished. In twenty or thirty years' time, all the young, the vigorous, and those rising into life, will be free; and the slaves will be those who have passed the meridian of their days—who are declining into age—the aged and the decrepid. Every year, then, will make a considerable change: every child born will increase the one body—every slave dying will reduce the other. A few years further, and you will find, only here and there, scattered over the face of the country, a remnant of slavery. A very few years further, he too will have followed his brethren, and slavery will be no more.

Now observe. This is not speculation. It is not a theory which has never been tried: it is not one of the “new lights,” to use the expression of the hon. member for Taunton: but it has taken place, and in a country too with which that hon. member is very familiar. It may perhaps, nevertheless, be unknown to part of the House, that just in this way slavery has gone out and expired in New York. Thirty years ago, New York was what is called a slave-state; that is, a proportion of its labourers were slaves; and it was liable to those evils which slavery never fails to generate. The principle which I now advocate was applied; and—without rebellion, without convulsion, without a single riot, without any thing that deserves the name of inconvenience—slavery has gone out in the state of New York. The same thing has been done in Philadelphia, New Jersey, and several other of the United States. If any man asks me, with what effect this has been done; I answer, that there is not a person connected with that part of the world, who will not ac-

knowledge, that much as it has contributed to the happiness of the blacks, it has in no less degree promoted the happiness, the moral improvement, and even the pecuniary prosperity of the whites. The fact is, every American from that part of the country is ready to acknowledge, that the worst of all curses has fled away, and left them. Here, then, the principle which I now recommend has begun, and concluded, its operation.

There are other parts of the world where the same principle is now in action, where slavery is gradually and quietly working itself out. And now, Sir, I am going to take a great liberty—just to put a question to each gentleman in the House. Does he know in what part of the British dominions this very principle is in action? The point in dispute, be it observed, is this. I say, that our principle operates without noise and tumult. My opponents say, that it will be attended with violence and convulsion. Then, I put it to my opponent, if he know where this noisy, turbulent, convulsive, principle is at work? If he do not know, my point is proved—its quiet, peaceable, silent, nature is proved.

It is in full operation at this moment, in Ceylon; and has been so since 1816. The activity of the governor, general Brownrigg, and of sir Alexander Johnstone, there introduced it; and, as yet, it has produced no ill effect of any kind. The same thing occurred at Bencoolen, under the administration of sir Stamford Raffles. The same, at Saint Helena. Now, this last does tell positively in my favour. Public curiosity has recently been excited in an extraordinary degree. Books, enough to fill a library, have been written, detailing the administration of sir Hudson Lowe. Acts the most slight—anecdotes the most trivial—expressions the most unmeaning, have been recorded with exact fidelity. Generations yet unborn shall know, that on such a day in July, sir Hudson Lowe pronounced that the weather was warm; and that on such a day of the following December, Bonaparte uttered a conjecture that it would rain in the course of the week. Nothing has escaped the researches of the historian—nothing has been overlooked by the hungry curiosity of the public—nothing—Yes! one thing only has never been noticed; namely, that sir Hudson Lowe gave the death-blow to slavery at Saint Helena.

The same principle, only upon a much larger scale, has been operating in South America. By a fundamental law of Columbia, every child born after the day when the Constitution was proclaimed, is, *ipso facto*, free. They did that at which I am now aiming; and they did more. They liberated the children, but they also took measures for emancipating the parent. They levied a legacy duty, varying from three to ten per cent. upon all disposable personal property: they set apart this fund for a special object; and they declared, that no power should exist in the state to alter the destination of a single shilling. The purchase to which that tax is devoted, is the purchase of negroes from personal slavery, and it is to continue till no slave remains in Columbia. If ever there was an opportunity of trying, whether the principle was productive of peace or of convulsion, that opportunity was now afforded. Columbia was overrun by hostile armies. The masters were often obliged to abandon their property. The black population amounted to nine hundred thousand persons. An hon. friend of mine, on a former occasion, contended, that the numbers were inconsiderable. He was mistaken. I have in my hand a letter from Mr. Ravenga, in which he states, that, in a population of three millions, the number of Blacks and Indians is nine hundred thousand. Now, of these a large number were suddenly emancipated. Bolivar gave liberty to seven hundred. Others acted in the same way. The law to which I have alluded, which liberates all the children, is rapidly liberating the adults. What has been the effect? Where the opportunities of insurrection have been so frequent and so tempting, what has been the effect? Mr. Ravenga authorizes me to say, that the effect has been, a degree of docility on the part of the Blacks, a degree of confidence and security on the part of the Whites, unknown in any preceding period of the history of Columbia.

Now for the application of this principle. What we contend for is this, that we should cut off the supply; that we should intercept the fountain by which slavery is fed; that all Negro children, born after a certain day, should be free. I have already shewn the safety and practicability of acting upon this principle. Will any man deny its propriety and justice? A Negro child is born to-day. What right on earth have we to say, that

that child shall be a slave? I want to know by what authority we act, under what warrant we proceed, when we say, that that child shall eat the bitter bread, and do the bitter labour of a bondsman, all the days of his life? I know the answer that will be given me: "The father is mine; the mother is mine; and therefore the child is mine." That is, you have made his parents eat the bitter bread, and do the bitter labour of slaves; and this crime, which you have committed against his parents, is to be your apology for the crime which you design to commit against him.

But, Sir, I hope that every man in this House, nay, that every man and woman in Great Britain, will seriously weigh this question. By what principle of justice, by what tenet of religion do we act, when we say to the planter, "There! a Black child is born to-day: take him: do what you like with him: make him a brute, if it so please you; a brute in his labour, a brute in ignorance; feed him like a brute, flog him like a brute!" I say, how are we authorised, on a child that has done no wrong, to pronounce that sentence, to inflict that curse?

It is a crime to go to Africa, and steal a man, and make him a slave. For two centuries this was no crime at all. It was most just and innocent commerce. My hon. friend (Mr. Wilberforce) instituted an inquiry into this innocent traffic, and it turned out to be a most intolerable enormity. It is a crime, then, by the laws of England, to make the full-grown African a slave. And how is it less a crime, to make a new-born Creole a slave? I say, it is as great, it is even a greater crime. The African has at least passed a considerable portion of his life in freedom: for twenty or thirty years, he has tasted the innumerable enjoyments which liberty confers. But, the child who is made a slave from his birth, knows nothing but servitude and misery. Then, as to guilt. Formerly we divided it with another party. The black factor made the man a slave; that was his share of the guilt. We kept him as a slave; that was our share. But, in the case of the child whom we enslave, the whole abomination is our own. We make him a slave, in the first place: we use him as a slave, in the second. It is a crime to murder a man: it is no less a crime to murder a child. It is a crime to rob a man: it is no less a crime to rob a child. It is a crime to enslave a man: and, is it no crime to enslave a child?

Now, Sir, let the House observe the moderation with which we proceed. We say, "Make no more slaves—desist from that iniquity—stop—abstain from an act in itself as full of guilt, entailing in its consequences as much of misery, as any felony you can mention." We do not say, "Retrace your steps;" but "Stop." We do not say, "Make reparation for the wrong you have done;" but, "Do no more wrong; go no further." Slave-trading and slavery (for they are but two parts of the same act), are the greatest crime that any nation ever committed: and when that day comes, which shall disclose all secrets, and unveil all guilt, the broadest and blackest of all will be that, the first part of which is Slave-trading, and the last part slavery; and no nation under heaven has ever been so deeply tainted with both the one and the other as we have been. To a nation thus steeped in this species of iniquity, can less be said than this: "We do not ask that you should suffer punishment; we do not ask that you should undergo deep humiliation; we do not ask that you shall make reparation to those you have wronged; we do not even say, cease to enjoy those acts of criminality which you have begun; but, take the full benefit and fruition of past and present injustice; complete what you have commenced; screw from your slave all that his bones and his muscles will yield you: only stop there; and, when every slave now living shall have found repose in the grave, then let it be said, that the country is satiated with slavery, and has done with it for ever."

This, after all, is the main point. It secures, a distant indeed, but a certain extinction of slavery. And I give notice to his majesty's ministers—I give notice to the gentlemen connected with the West Indies, that if they concede every thing else, but withhold this, we shall not relax in our exertions. The public voice is with us; and I, for one, will never fail to call upon the public, loudly to express their opinion, till justice has so far prevailed as to pronounce that every child is entitled to liberty.

Now, for the existing slaves. Slaves they are. Slaves, I fear, they must too generally continue; but Slaves, under a description of servitude considerably mitigated.

I cannot say I deserve any credit for abstaining to liberate them at the present



moment. I must confess, that if I conceived it were possible for the slaves to rise abruptly from their state of bondage, to the happier condition of freemen; if we could clothe them, not only with the rights and privileges, but with the virtuous restraints of social life; if I did not know that the same system which has reduced them to the condition of brutes, has brutalized their minds; if, in fact, I deemed them ripe for deliverance, my moderation, I confess it, would be but small. I should say, "The sooner *you* cease from doing injustice, and *they* from enduring it, the better." I should take no circuitous course: I should propose no tardy measures of amelioration: I should name no distant day of deliverance: but this night, at once and for ever, I should propose to strike off their chains; and I should not wait one moment, from a conception that the master has the least shadow of a title to the person of the slave. But, alas, Sir! the slave is not ripe for liberty. The bitterest reproach that can be uttered against the system of slavery, that it debases the man, that it enfeebles his powers, that it changes his character, that it expels all which is naturally good; this, its bitterest reproach, must be its protection. We are foiled by the very wickedness of the system. We are obliged to argue in a most vicious circle. We make the man worthless; and, because he is worthless, we retain him as a slave. We make him a brute, and then allege his brutality, the valid reason for withholding his rights.

Now, one word as to the right of his master. There are persons (not in this House, I trust) whose notions of justice are so confused and confounded by slavery, as to suppose that the planter has something like an honest title to the person of the slave. We have been so long accustomed to talk of "my slave," and "your slave," and what he will fetch if sold, that we are apt to imagine that he is really yours or mine, and that we have a substantial right to keep or sell him. Then, let us, just for a moment, fathom this right. Here is a certain valuable commodity; and here are two claimants for it—a white man, and a black man. Now, what is the commodity in dispute? The body of the black man. The white man says, "It is mine;" and the black man says, "It is mine." Now, the question is, if every man had his own, to whom would that black body belong?

The claim of the black man to his own body, is just this—nature gave it him. He holds it by the grant of God. That compound of bone and muscles is his, by the most irreproachable of all titles—a title which admits not, what every other species of title admits—a suspicion of violence, or fraud, or irregularity. Will any man say, he came by his body in an illegal manner? Does any man suspect, that he played the knave, and purloined his limbs? I do not mean to say the negro is not a thief; but he must be a very subtle thief indeed, if he stole even so much as his own little finger.

At least, you will admit this—the Negro has a pretty good *primâ facie* claim to his own person. If any man thinks he has a better, the *onus probandi* is on him. Then we come to the claim of the white man. What is the foundation of your right? It shall be the best that can be conceived. You received him from your father. Very good! Your father bought him from a neighbouring planter. Very good! That planter bought him of a trader, at the Kingston slave-market: and that trader bought him of a man-merchant in Africa. So far you are quite safe! How did the man-merchant acquire him? *He stole him*—he kidnapped him! The very root of your claim is robbery, violence, inconceivable wickedness. If any thing on earth was ever proved by evidence, it was proved, before the slave-trade committee, that the method of obtaining slaves in Africa was robbery, man-stealing, and murder. Your pure title rests on these sacred foundations! If your slave came direct from Africa, your right to his person is absolutely nothing. But, your claim to the child born in Jamaica is (if I may use the expression) less still. The new-born infant has done—can have done—nothing to forfeit his right to freedom. And, to talk about rights, justice, equity, and law, as connected with slavery, is to talk downright nonsense. If we had no interest in the case, and were only speaking of the conduct of another nation, we should all use the same language; and we should speak of slavery, as we now speak of slave-trading: that is, we should call it rank, naked, flagrant, undisguised injustice.

But when I say, that the planter has no claim against the slave, I do not say, that he has no claim against the British nation. If slavery be an injustice, it is an injustice which has been licensed by British law.



But, whatever may be the claim of the planter against the British government, he can pretend to none to the person of a child because he happens to be born of negro parents.

I will now take the liberty of reading a short extract of a letter which, on the 11th of last April, I addressed to my hon. friend opposite, in order to put lord Bathurst, and his majesty's government, in full possession of our views and intentions:—

“The subject divides itself into two: the condition of the existing slaves, and the condition of their children. With regard to the former, I wish the following improvements:—

“1. That the slave should be attached to the island, and, under modifications, to the soil.

“2. That they cease to be chattels in the eye of the law.

“3. That their testimony may be received, *quantum valeat*.

“4. That when any one lays in his claim to the services of a negro, the *onus probandi* should rest on the claimant.

“5. That all obstructions to manumissions should be removed.

“6. That the provisions of the Spanish law (fixing by competent authority the value of the slave, and allowing him to purchase a day at a time,) should be introduced.

“7. That no governor, judge, or attorney-general should be a slave-owner.

“8. That an effectual provision shall be made for the religious instruction of the slave.

“9. That marriage should be enforced and sanctioned.

“10. That the Sunday should be devoted by the slave to repose and religious instruction; and that other time should be allotted for the cultivation of his provision-grounds.

“11. That some (but what I cannot say) measures should be taken, to restrain the authority of the master in punishing his untried slave, and that some substitute should be found for the driving system.

“These are the proposed qualifications of the existing slavery. But I am far more anxiously bent upon the extinction of slavery altogether, by rendering all the negro children, born after a certain day, free. For them it will be necessary to provide education. God grant, that his majesty's ministers may be disposed to accomplish these objects, or to permit others to accomplish them!”

VOL. IX.

For all the blood spilt in African war fomented by English capital—for a war which we contrived to render interminable—for all the villages set in flame by the contending parties—for all the horrors and the terrors of these poor creatures, roused from their rest by the yells of the man-hunter whom we sent for civilization excluded—for the pleasures which embellish life excluded—for honest and harmless commerce excluded—for Christianity, and all that it comprehends, expelled for two centuries from Africa—for the tens and tens of thousands of men murdered in these midnight marauds—for the tens and tens of thousands suffocated in the holds of our slave ships—for the tens and tens of thousands of emaciated beings, cast ashore in the West Indies, emaciated beings, “refus men” (for such was the mercantile phrase) lingering to a speedy death—for the tens and tens of thousands still more unhappy who, surviving, lived on to perpetual slavery, to the whip of the task master, to ignorance, to crime, to heathen darkness—for all these, we owe large and liberal atonement. And I do thank God we still have it in our power to make some compensation. We have it in our power to sweeten a little the bitterness of captivity—to give the slaves of the West Indies something to render life more endurable—to give them something like justice and protection—to interpose a jury between the negro and the brutality of his master's servant—to declare that the slave shall not be torn from the cottage he has built, from the children he has reared, from the female whom he loves—above all, for that is effectual compensation, we may give him the truths of the Christian religion, which, as yet, we have withheld.

For his children, there is a wider range of recompence. We may strip them of every vestige of servitude; and, by taking upon ourselves, for a season, the whole burthen of their maintenance, education, and religious instruction, we may raise them into a happy, contented, enlightened, free peasantry. I conclude, as I concluded my letter to lord Bathurst—God grant, that his majesty's ministers may be disposed to accomplish these objects, or to permit others to accomplish them!—I move,

“That the State of Slavery is repugnant to the principles of the British constitution, and of the Christian religion;

T

and that it ought to be gradually abolished throughout the British colonies, with as much expedition as may be found consistent with a due regard to the well-being of the parties concerned."

Mr. Secretary *Canning* said:—Sir, the appeal to his majesty's ministers with which the hon. gentleman concluded his speech, makes me feel it my duty to address myself to the House at this early period of the debate, for the purpose of stating, without reserve, the opinions entertained by myself and my colleagues with respect to this most important, and I must say, at the same time (notwithstanding what has fallen from the hon. gentleman), this most fearful question.—I never in my life proceeded to the discussion of any question under a stronger impression of its manifold difficulties: not indeed in reference to the principles on which my opinions are grounded, nor with respect to the practical conclusion to which I may think it expedient to come; but on account of the dangers, which, even after all that the hon. gentleman has said to the contrary, appear to me to attend a discussion, in which one rash word, perhaps even one too ardent expression, might raise a flame not easily to be extinguished.

I mention these circumstances, Sir, not for the purpose of imputing any blame to the hon. gentleman, or to those friends in conjunction with whom he has brought forward the resolution in your hands, nor for that of discouraging fair and free deliberation; but I take the liberty of throwing out a caution to those who, in a more advanced stage of the discussion, and when conflicting opinions may have produced a warmth which I do not feel, might be induced to colour more deeply the pictures which the hon. gentleman himself has sketched with no light hand; and who might thus excite feelings which it is not necessary to awaken for the accomplishment of any practical good, but which, if awakened, might either impede the attainment of that good, or expose it to gratuitous hazard.

And here the hon. gentleman must allow me to ask. What had the latter part of his speech to do with his present purpose? Why did he think it expedient to recur to the former delinquencies of this country, which, if capable of expiation, have been expiated? Why did he go back to a state of things in the West Indies, to which, so far as they could be

remedied, remedy has been applied? Why did he go out of his way to recall the horrors and cruelties connected with the now abolished slave trade, which were at former times brought under the notice of parliament? Why, when he was stirring a question totally new (and I mention that character of the question, not as matter of blame but as matter of fact)—why did he mix it up with that other odious question, often, indeed, discussed, but long ago decided, with which, during an agitation of twenty years, it was never before placed in *juxta*-position, but for the purpose of being contrasted with and separated from it? In all former discussions, in all former votes against the slave trade, it cannot surely be forgotten, that the ulterior purpose of emancipation was studiously disclaimed. I have myself frequently joined in that disclaimer, on former occasions. In doing so, I certainly did not mean to advance so untenable a proposition as that it was intended to purchase the abolition of the slave trade by an indefinite continuance of slavery. Undoubtedly that was not my meaning; but what I at least did mean—what in all fairness any man who took the same distinction must be held to have meant—was, that the two questions should be kept separate, and argued on their separate grounds; that the odium of that which we were labouring to abolish should not be brought to bear with increased intensity on that of which we were compelled to allow the continuance. Slavery, not willingly, but necessarily, was allowed to continue. I do not say that it is therefore to continue indefinitely; I speak not of it as a system to be carefully preserved and cherished, but as one to be dealt with according to its own nature, and with reference to its inherent peculiarities. We must be considered as having tacitly, if not expressly, taken the engagement, not, on every subsequent discussion, to look back to atrocities which have ceased, not to revive animosities which have been extinguished, and to throw in the teeth of those whose interests are at hazard, cruelties with which they in fact had no concern. After such an implied pledge, it is somewhat hard in the hon. gentleman to revert to those past-gone topics, instead of confining himself to facts and arguments which properly belong to the motion which he has introduced.

I will not follow the hon. gentleman through the various matters of this kind

which he has brought to his aid; but I will here take the liberty to dismiss the consideration of the slave trade as of a thing forgotten and gone by: and I will entreat the House to look at the present situation of the West Indies, not as at a population accumulated by a succession of crimes such as those which the hon. gentleman has detailed, but simply as it is.

The hon. gentleman has treated this subject rather with powerful declamation than with sober statement: for I must beg leave to consider as a figure of eloquence, rather than as a practical argument, the intimation that we must deal with this question, not as a matter of justice and judgment, but of impulse and feeling. That is not a ground on which parliament can be called upon to act. The manner in which the black population of the West Indies has been collected, may indeed be the subject of reflection to the historian, or discussion to the moralist: but, in calling upon the legislature to adopt a measure of the greatest importance, and of the utmost difficulty, the hon. gentleman addresses himself, not to the prudence, but to the feeling of the House, I confess it seems to me that he pursues the course least likely to lead to a satisfactory result.

Looking, then, at the present condition of the West Indies, I find there a numerous black population, with a comparatively small proportion of whites. The question to be decided is, how civil rights, moral improvement, and general happiness are to be communicated to this overpowering multitude of slaves, with safety to the lives and security to the interests of the white population, our fellow-subjects and fellow-citizens. Is it possible that there can be a difference of opinion upon this question? Is it possible that those most nearly concerned in the present state of property in the West Indies, and those who contemplate the great subject with the eye of the philosopher and the moralist, should look at it in any other than one point of view? Is it possible for a member of parliament, still more for a member of the government, to say that he does not wish, so far as is consistent with other great considerations necessarily involved, to impart every improvement which may tend to raise in the scale of being the unfortunate creatures now in a state of servitude and ignorance? Undoubtedly, sacrifices ought to be made for the attainment of so great

a good: but would I, on this account strike at the root of the system—a system the growth of ages—and, unhesitatingly and rashly level it at a blow? Are we not all aware that there are knots which cannot be suddenly disentangled, and must not be cut—difficulties which, if solved at all, must be solved by patient consideration and impartial attention, in order that we may not do the most flagrant injustice by aiming at justice itself?

The hon. gentleman begins his resolution with a recital which I confess greatly embarrasses me: he says, that “the state of slavery is repugnant to the principles of the British constitution, and of the Christian religion.” God forbid that he who ventures to object to this statement, should therefore be held to assert a contradiction to it! I do not say that the state of slavery is consonant to the principles of the British constitution; still less do I say that the state of slavery is consonant to the principles of the Christian religion. But though I do not advance these propositions myself, nevertheless, I must say, that in my opinion the propositions of the hon. gentleman are not practically true. If the hon. gentleman means that the British constitution does not admit of slavery in that part of the British dominions where the constitution is in full play, undoubtedly his statement is true; but it makes nothing for his object. If, however, the hon. member is to be understood to maintain that the British constitution has not tolerated for years, nay more, for centuries, in the colonies, the existence of slavery, a state of society unknown in the mother country—that is a position which is altogether without foundation, and positively, and practically untrue. In my opinion, when a proposition is submitted to this House for the purpose of inducing the House to act upon it, care should be taken not to confound, as I think is done in this resolution, what is morally true with what is historically false. Undoubtedly, the spirit of the British constitution is, in its principle, hostile to any modification of slavery. But, as undoubtedly, the British parliament has for ages tolerated, sanctioned, protected, and even encouraged a system of colonial establishment of which it well knew slavery to be the foundation.

In the same way, God forbid that I should contend that the Christian religion is favourable to slavery. But I confess I

feel a strong objection to the introduction of the name of Christianity, as it were bodily, into any parliamentary question. Religion ought to control the acts and to regulate the consciences of governments, as well as of individuals; but when it is put forward to serve a political purpose, however laudable, it is done, I think, after the example of ill times, and I cannot but remember the ill objects to which in those times such a practice was applied. Assuredly, no Christian will deny that the spirit of the Christian religion is hostile to slavery, as it is to every abuse and misuse of power: it is hostile to all deviations from rectitude, morality, and justice; but if it be meant that in the Christian religion there is a special denunciation against slavery, that slavery and Christianity cannot exist together—I think the hon. gentleman himself must admit that the proposition is historically false; and again I must say, that I cannot consent to the confounding, for a political purpose, what is morally true with what is historically false. One peculiar characteristic of the Christian dispensation, if I must venture in this place upon such a theme, is, that it has accommodated itself to all states of society, rather than that it has selected any particular state of society for the peculiar exercise of its influence. If it has added lustre to the sceptre of the sovereign, it has equally been the consolation of the slave. It applies to all ranks of life, to all conditions of men; and the sufferings of this world, even to those upon whom they press most heavily, are rendered comparatively indifferent by the prospect of compensation in the world of which Christianity affords the assurance. True it certainly is, that Christianity generally tends to elevate, not to degrade, the character of man; but it is not true, in the specific sense conveyed in the hon. gentleman's resolution; it is not true, that there is that in the Christian religion which makes it impossible that it should co-exist with slavery in the world. Slavery has been known in all times, and under all systems of religion, whether true or false. *Non meus hic sermo*: I speak but what others have written on this point; and I beg leave to read to the House a passage from Dr. Paley, which is directly applicable to the subject that we are discussing:

“Slavery was a part of the civil constitution of most countries when Christianity appeared; yet no passage is to be

found in the Christian scriptures by which it is condemned and prohibited. This is true; for Christianity, soliciting admission into all nations of the world, abstained, as behoved it, from intermeddling with the civil institutions of any. But does it follow, from the silence of scripture concerning them, that all the civil institutions which then prevailed were right; or that the bad should not be exchanged for better! Besides this, the discharging of all slaves from all obligation to obey their masters, which is the consequence of pronouncing slavery to be unlawful, would have no better effect than to let loose one-half of mankind upon the other. Slaves would have been tempted to embrace a religion which asserted their right to freedom; masters would hardly have been persuaded to consent to claims founded upon such authority; the most calamitous of all consequences, a *bellum servile*, might probably have ensued, to the reproach, if not the extinction, of the Christian name. The truth is, the emancipation of slaves should be gradual, and be carried on by the provisions of law, and under the protection of civil government. Christianity can only operate as an alterative. By the mild diffusion of its light and influence, the minds of men are insensibly prepared to perceive and correct the enormities which folly, or wickedness, or accident, have introduced into their public establishments. In this way the Greek and Roman slavery, and since these the feudal tyranny, had declined before it. And we trust that, as the knowledge and authority of the same religion advance in the world, they will abolish what remains of this odious institution.”

The hon. gentleman cannot wish more than I do, that under this gradual operation, under this widening diffusion of light and liberality, the spirit of the Christian religion may effect all the objects he has at heart. But it seems to me that it is not, for the practical attainment of his objects, desirable that that which may be the influencing spirit should be put forward as the active agent. When Christianity was introduced into the world, it took its root amidst the galling slavery of the Roman empire; more galling in many respects (though not precisely of the same character) than that of which the hon. gentleman, in common I may say with every friend of humanity, complains. Slavery at that period gave to the master the



power of life and death over his bondsmen: this is undeniable, known to every body: "Ita servus homo est!" are the words put by Juvenal into the mouth of the fine lady who calls upon her husband to crucify his slave. If the evils of this dreadful system nevertheless gradually vanished before the gentle but certain influence of Christianity, and if the great Author of the system trusted rather to this gradual operation of the principle than to any immediate or direct precept, I think parliament would do more wisely rather to rely upon the like operation of the same principle, than to put forward the authority of Christianity, in at least a questionable shape. The name of Christianity ought not to be thus used unless we are prepared to act in a much more summary manner than the hon. gentleman himself proposes. If the existence of slavery be repugnant to the principles of the British constitution and of the Christian religion, how can the hon. gentleman himself consent to pause even for an instant, or to allow any considerations of prudence to intervene between him and his object? How can he propose to divide slaves into two classes; one of which is to be made free directly, while he leaves the other to the gradual extinction of their state of suffering? But if, as I contend, the British constitution does not, in its necessary operation, go to extinguish slavery in every colony, it is evident that the hon. gentleman's proposition is not to be understood in the precise sense which the hon. gentleman gives to it; and if the Christian religion does not require the instant and unqualified abolition of slavery, it is evident, I apprehend, that the hon. member has mis-stated in his resolution the principle upon which he himself is satisfied to act. But while I contend against the literal sense, and too positive language, of the hon. gentleman's resolutions; and while I declare my unwillingness to adopt them as the basis of our proceedings; let me not be misunderstood as quarrelling with their intention. I admit as fully as the hon. gentleman himself, that the spirit both of the British constitution and of the Christian religion is in favour of a gradual extermination of this unquestioned evil: and I am ready to proceed with the hon. gentleman to all reasonable and practicable measures for that purpose.

On these principles I feel disposed to agree in much that the hon. gentleman

has said. To many of his measures in detail I have not the slightest objection without, however, admitting the solid of all his ingenious illustrations, or subscribing to the correctness of all his arguments. I think the House will be of opinion, that at this time of day we must consider property as the creature of law and that, when law has sanctioned a particular species of property, we cannot legislate in this House as if we were legislating for a new world, the surface of which was totally clear from the obstruction of antecedent claims and obligation. If the hon. gentleman asks me, on the other hand, whether I maintain the inviolability of property so far as to affirm the proposition, that the children of slave must continue to be slaves for ever—I answer frankly, No. If again he ask me how I reconcile my notions of reverence for the sacredness of property with the degree of authority I am prepared to exercise for the attainment of my object, I answer with equal frankness, in accomplishing a great national object, in doing an act of national justice, I do not think it right to do it at the exclusive expense of any one class of the community. I am disposed to go gradually to work, in order to diminish both the danger to be risked and the burden to be incurred. My opinion is also, and I am prepared to state it (the hon. gentleman having made his appeal to the government on this question some weeks ago) as the opinion of my colleagues as well as my own—that in order that the object which we have all in view may be undertaken safely and effectually, it is better that it should be left in the hands of the executive government.

With that view I have taken the liberty of preparing certain resolutions, which I shall propose to substitute for those of the hon. gentleman. Between the two sets of resolutions the substantial difference it will be seen, is not very essential; but from the difference of responsibility between the hon. gentleman and myself, I must of necessity lay down my principles with greater caution than he has done and proceed more coolly, and considerately, so as to avoid the liability to misrepresentation. Not that I wish to shrink from particulars, so far as it may be expedient to enter into them.

I may say, then, that there are two or three points referred to by the hon. gentleman, to which I cannot refuse my con-



currence. For instance, he asks if the present mode of working—that which is described by the term, driving—the slaves, by means of a cart-whip in the hand of one who follows them, ought to be allowed? I reply, certainly not. But I go further; I tell the honourable gentleman, that in raising any class of persons from a servile to a civil condition, one of the first principles of improvement is in the observance paid to the difference of sexes. I would therefore abolish, with respect to females, the use of the whip, not only as a stimulant to labour in the field; I would abolish it altogether as an instrument of punishment—thus saving the weaker sex from indecency and degradation. I should further be inclined to concur with the hon. gentleman as to the insufficiency of the time allowed to the negroes for religious and moral instruction, so long as the cultivation of his provision-ground and his marketing occupy the greater part of the Sabbath. In this point I am anxious to introduce improvement into the present system.

These are points on which I have no hesitation in agreeing with the hon. gentleman; but there are some others requiring more mature consideration in practice, although, in principle, I feel bound to say that I agree with him. I agree with him in thinking that what is now considered, by custom, and in point of fact, the property of the negro, ought to be secured to him by law. I agree with him in thinking that it would be beneficial if the liberty of bequest were assured to him: perhaps it might be made conditional upon marriage. I agree with him in thinking that it may perhaps be desirable to do something with regard to the admitting the evidence of negroes; but this I hold to be a much more difficult question, and one requiring more thorough deliberation than I have yet had time to give to it. It is a point of such extreme delicacy, and demands so much local and practical knowledge, that I hardly feel justified in pronouncing at this moment any decided opinion upon it. Thus far I concur, that it well merits favourable and patient investigation; and for myself, and those who act with me, I can say that we should commence that investigation with a leaning to the view of the subject taken by the hon. gentleman. More at present I will not say.

I agree further with the hon. gentleman in thinking, that (though great difficulties

may be experienced, not from the moral but from the legal part of the question) the process of the writ of *venditioni exponas*, by which the slaves are sold separately from the estates, ought, if possible, to be abolished.

I have mentioned these particulars as those which have most immediately attracted the attention of his majesty's servants. I can assure the hon. gentleman and the House, that they have looked at this subject with a sincere desire to render all possible assistance to the undertaking of the hon. gentleman, and to co-operate in every practicable measure for ameliorating the condition of the negroes.

I should ill discharge my duty this day, after the warning of the last few weeks, during which this great subject has been in discussion, if I were not to say, that, upon most of the particulars which I have mentioned, if not upon all, there is every disposition among those who may be considered as representing the colonial interests in this House and in this country, to give them a fair, liberal, and candid consideration.

The immediate question before the House may therefore be narrowed to this point—whether it is better to enter upon this question in a temper of mind unembittered by the retrospect of past evils and atrocities, and with a chance of carrying with us a degree of consent on the part of those most interested and most exposed to the hazard of injury from any change; or, at the risk of angry discussions, which, however innoxious in this House, yet, if echoed in other places, might be attended with the most frightful consequences, to adopt at once the propositions of the hon. gentleman. The question is, whether, upon the declaration of principles now made to the House, the hon. gentleman and his friends will be contented with the resolutions which I shall have the honour to propose, or will press his motion to a division, at all the hazards which I would rather leave to be imagined than describe.

There is, however, one point in the hon. gentleman's statement upon which I certainly entertain a difference of opinion: I mean, the proposal of fixing a period at which the children of slaves shall be free. I doubt—not from any peculiar knowledge that I have of the subject, but upon the general principles of human nature—whether the measure recommended by the hon. gentleman would produce the degree of satisfaction which he anticipates, and

whether it might not produce feelings of an opposite nature. I doubt whether in its operation it would not prove at once the least efficient and the most hazardous mode of attaining his own object. But I throw out these observations with the same frankness and candour with which I have expressed myself in approval of those points of the hon. gentleman's propositions in which I have had the pleasure to concur. I desire not to be bound by these observations any more than I feel myself bound to carry into effect, at all risks, and at all hazards, those points upon which I have given a favourable opinion. I declare openly and sincerely my present impressions, formed after the best deliberation that there has been time to give to the consideration of the subject. I trust and believe that I have not spoken positively upon any thing upon which there is a probability of my having hereafter to retract what I have said. I speak doubtfully on some points, even where the bent of my opinion is very strong: but the one thing I am most anxious to avoid, is the declaration of any pledge of an abstract nature; the laying down any principle, the construction of which is to be left to those whose feelings and prejudices and passions must naturally be awake to these discussions, and who, when they learn by a declaration of this House, that "the continuance of slavery, and the principles of the Christian religion, are incompatible," might imagine they saw, in such a declaration, what, I say, in abstract reasoning I have, I think, shown they would be fairly entitled to see in it—their own immediate and unqualified emancipation. Lay down such principles I say, and those persons would have a right to draw that conclusion; and when the House had once made such a declaration, the qualification would come too late.

I am therefore peculiarly desirous that the qualification should be embodied in the same vote which affirms the principle, and that nothing should be left to inference and construction: that even the hopes held out for the future should be qualified with the doubts, with the delays, and with the difficulties to be surmounted before they can possibly be realized.

I will now, with the leave of the House, read the Resolutions which I propose to submit to the House for its consideration.

1st. "That it is expedient to adopt effectual and decisive measures for ame-

liorating the condition of the slave population in his majesty's colonies.

2nd. "That, through a determined and persevering, but at the same time judicious and temperate, enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his majesty's subjects.

3rd. "That this House is anxious for the accomplishment of this purpose, at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property."

If the House should be inclined to adopt these resolutions, I shall then follow them up with moving,

4th. "That the said resolutions be laid before his majesty by such members of this House as are of his majesty's most honourable privy council."

There now remains but one point, which, after having so fully expressed my sentiments to the House, I am peculiarly anxious to impress upon its consideration: I mean the mode of execution—the manner in which the executive government would have to act in respect of these resolutions, in the event of their adoption. The House is aware, that over certain of the colonies in the West-Indies, the Crown exercises immediate power, without the intervention of any colonial legislature. In their case, the agency of the Crown, of course, will be more free and unfettered than in colonies having their own separate government. At the same time, I must declare, that we have a right to expect from the colonial legislatures a full and fair co-operation. And, being as much averse by habit, as I am at this moment precluded by duty, from moot-ing imaginary points, and looking to the solution of extreme though not impossible questions, I must add, that any resistance which might be manifested to the express and declared wishes of parliament, any resistance, I mean, which should partake, not of reason, but of contumacy, would create a case (a case, however, which I sincerely trust will never occur) upon which his majesty's government would not hesitate to come down to parliament for counsel.

I will not prolong a discussion (which it has been my object to bring to a close)

by any general reflections further than this, that giving every credit as I do to the motives which have actuated the hon. gentleman, I am sure he will feel that it is perfectly consistent with a complete sympathy with his moral feelings, and consistent equally with my duty, that I should look at this subject more practically, more cautiously, and more dispassionately, and (if the hon. gentleman will permit me to say so much) more prudently than the hon. gentleman; whose warmth however, though I must not imitate, I do not mean harshly to blame.

And further, I would assure those whose interests are involved in this great question, that whatever may be the result of the present discussion, I and my colleagues are not more anxious, on the one hand, to redeem the character of the country, so far as it may have suffered by the state of slavery in the colonies, than we think ourselves bound, on the other, to guard and protect the just interests of those who, by no fault of their own, by inheritance, by accident, by the encouragement of repeated acts of the legislature, find their property vested in a concern exposed to innumerable hazards and difficulties, which do not belong to property of another character; such as, if they had their option (as their ancestors had), they would doubtless, in most cases, have preferred. If they have stood these hazards, if they have encountered these difficulties—and have to stand and encounter them still—we may not be able to secure them against the consequences of such a state of things; but at least we have no right to aggravate the hazards or the difficulties which we cannot relieve.

The original resolution and also the amendment was then read by the Speaker. After which,

Mr. *Wilberforce* rose and said:—Before, Sir, I enter into any discussion of the question before the House, I think it necessary to say a few words in vindication of the line pursued by my hon. friend near me (Mr. F. Buxton) on the present occasion; more particularly with reference to the proposition with which my hon. friend commenced his speech. My hon. friend addressed himself to a British parliament, and fully, fairly, and candidly, told the House what were his real intentions in submitting his motion to its consideration—a gradual but total extinction of slavery in the colonies of this country. With powerful eloquence and the justest

reasoning, my hon. friend appealed to the understandings of hon. members, and called to their recollection the sound and wholesome principles of the British constitution—principles which declared to be objectionable, in the highest degree, the very existence of slavery. But it is rather my wish to avoid any useless repetition of points on which there is no dispute; and to adopt the opinions and principles which have already been fully acknowledged, and indeed justly respected.

It is with no little pleasure that I heard my right hon. friend accede to several of the propositions made by my hon. friend near me. I refer particularly to the abolition of the system of female punishment; the reservation of certain days to the negroes for labouring on their own account; the discontinuance of the practice of working on Sundays; the abolition of the Sunday markets; the abolition of the driving system; or of urging the field slaves to their labour by the whip; and, above all, the introduction and universal establishment of a system of religious instruction, and of the moral reformation of the slaves, of which marriage was of course to be one of the principal particulars. But I wish my right hon. friend to consider, what I think he does not seem sufficiently to bear in mind, in relation to what has been often alleged of the mischiefs likely to arise from the discussions of this question, that whatever may be the dangers to be apprehended from such discussions, there are yet no dangers so great, or so formidable, as those which must arise from a continuance of the present West-Indian system. And therefore I must assure my right hon. friend, that in directing a superintending and vigilant eye to the state of things in the West Indies, and by endeavouring to apply remedies to the existing grievances, with a fair regard to the interests and well-being of all the parties concerned, he is doing no more than discharging duties powerfully incumbent on him as a member of the British legislature, and still more as a minister of the Crown, and a watchful guardian of the general interests of this country.

And now, Sir, let me say a word or two on my hon. friend's having laid the grounds of his resolution in the principles of the Christian religion. What could be more reasonable, what more appropriate, in the senate of a nation which calls itself Christian and acknowledges the Divine authority of the holy

Scriptures?—Again, let me remind my right hon. friend and the House, that it was necessary for my hon. friend boldly to assert and maintain the rights and privileges of the black population in the West Indies. At the same time, I am thoroughly convinced, that there is no man more ready than my hon. friend fairly to consider the situation in which many of the West-Indian proprietors would be placed in the event of the execution of his plans, the effect of which, undoubtedly, would be gradually to extinguish slavery in the West Indies. I entirely agree with my right hon. friend, in thinking, that nothing would be more unfair than to consider those whose interests are involved in this question, in any invidious point of view: but, surely, on the other hand, if we are really desirous of putting an end to slavery, it is absolutely necessary boldly to state that it is a great and intolerable grievance.

With respect to the dangers which may arise from a discussion of these points, I can only state, that my right hon. friend must enter into an investigation of the requisite measures for putting an end to the evils acknowledged to exist, with a recollection of the infinite danger which must attend a continuance of the present system of slavery. Many reasons present themselves to my mind why it is far safer to get rid of these evils altogether, than to modify them. But I must remind the House, that, as to the discussion being so dangerous as has been frequently alleged by those who oppose any alteration in the present system, the notion has been in fact contradicted and exploded by the West-Indians themselves, who from time to time have been in the habit of inserting in their colonial newspapers articles which might be supposed to be of the most dangerous tendency, calculated to inflame the minds of the black population, and even to tempt them to insurrection. Now, Sir, this fact—and it is impossible to dispute it—is a great encouragement to us in the present discussion: for the House must be now aware, that whatever apprehensions concerning the effects on the minds of the negro slaves, of discussions in this House, might be deemed reasonable by individuals resident in this country, yet that these alarms have not been felt in the slightest degree by those resident on the spot where danger only could arise, and where the probabilities of it might be most justly estimated. There

are, doubtless, however, dangers great and serious, and even formidable, to be countered; but they are such as arise of the state and circumstances of our West-Indian colonies, in relation both to the insular and their continental neighbours, and on the whole, they are such as would be lessened rather than augmented by the reforms in the contemplation of my hon. friend.

I cannot forbear alluding to another point, which I confess has made a strong impression upon my mind. We have been laid before us returns of the slave population of the West-India Islands. I do not know whether my right hon. friend is aware of this important circumstance, that there is every reason to believe that, in all the West-India islands, the population has been for some years past, and is at this very time, decreasing. I beg the very particular attention of my right hon. friend to this fact; and let the House also attend to it, because it will be a sort of specimen of the difficulties we may in future have to encounter. It is an established and well-known fact, that in our West-India islands, the slaves, though in a climate similar to their own, instead of keeping up their numbers, have for a long series of years been gradually decreasing; and though the decrease has been gradually lessening, yet these returns clearly show that it still continues. This decrease is the more extraordinary, because the Negro race is found to have greatly increased its numbers in every other country, even in the, to them, uncongenial climate of North America. The causes to which the abolitionists chiefly referred this deviation from the ordinary course of nature, this exclusion from the benefit of the fundamental law of nature established by the Almighty on the first formation of man, "Increase and multiply," were over-working, under-feeding, and licentiousness.

The West Indians themselves, though acknowledging that the general licentiousness operated powerfully in producing this effect, ascribed the decrease of the black population chiefly to the numerical disproportion of the sexes; the number of the women, they alleged, being greatly inferior to that of the men. We acknowledged, indeed, that, of the original importations, the greater proportion of almost every one consisted of men. But we maintained, that in almost all our islands, more especially in the two greatest,



Jamaica, and still more Barbadoes, as the numbers born of the two sexes would only show the ordinary small deviation from a complete equality, the inequality arising from the importations must long ago have ceased to exist. The West Indians, however, went on contending for a large inferiority of number in the women, assigning in a great degree to this the strange phenomenon, that the slaves diminished, and thereby negating the operation of those circumstances in their treatment to which we ascribed the diminution. At length, however, the establishment of a registry gave us a nearer approximation than ever before to the real numbers of the slaves; and then what, Sir, was proved to be the real fact? That in every one of the West-India islands, so far was it from being true that it was this alleged disproportion which prevented the increase of the negroes, there has been in truth no such disproportion existing; and that in fact in all our islands, except the lately-settled island Trinidad, the women are in greater numbers than the men. As the whole population is made up of that of the different estates and families of domestic slaves, and as every owner had an accurate account of the number of his own, it is very surprising, indeed, quite unaccountable, how the hypothesis, universally prevalent and enforced on us, could be believed; and yet such was the account invariably given to us. Let this, then, be a proof that we ought not to trust implicitly to the accuracy of the statements received from the West Indies. But the important inference to be drawn from the decrease of the slaves, even under the circumstances of an equality of the sexes, is, that we must find the means of encouraging the natural increase of the negroes, or that the planters will lie under the strongest temptations to resort once more to the old source of the slave trade, carrying it on illicitly. Something must be done, to effect an entire reformation in the system, not merely with a view to justice and humanity, but also to sound policy: for however this country may be determined not to permit the recommencement of such a traffic, the temptation to renew it, which the deficiency of slaves would hold out, would be too much for human nature, at least for human nature in the West Indies. The registry bills that have been enacted by the different colonial assemblies, are altogether inadequate to their effect. A

freely confess that I cannot depend upon them for producing the desired effect of preventing the illicit importation of negroes; and, let any one who may have any doubt on this head, remember what was formerly stated by the colonial assemblies themselves, that if the abolition law should be passed, it would be practically impossible to enforce it.

There are only two other matters on which I am anxious to say a few words. First, I entirely concur with my right hon. friend in thinking, that it is highly to be wished that the conversion of the slaves into a free peasantry should rather be the gradual effect of the operation of moral causes, than that it should be suddenly effected by an act of parliament. But he will allow me also to tell him, and to tell the House, that when we consider the claims of these unhappy people, and the time that has been already lost in accomplishing this great and high duty, we ought not to prolong their slavery an hour longer than is absolutely necessary with a view to their own benefit, as well as to the interests of other parties. I believe most sincerely that any reform which should convert the slaves into a free peasantry would be no less advantageous to the planters themselves than to those who are at present in bondage to them. Still it is deserving of serious consideration, whether it would be either wise, or just, or prudent, to leave to time the emancipation of the slaves, allowing it to become general merely by the operation of principles such as have been alluded to; or whether it would not be fit to adopt something like the plan recommended about thirty years ago by the late lord Melville, and which, if carried into effect, would have left at this time scarcely a single slave in the whole of our West-Indian possessions. I cannot reflect that this plan was not carried into effect, without deep concern.

But there is another point, of extreme importance, on which practically all parties ought to agree. It is, whether the improving of the condition of the negroes ought to be the work of the British parliament, or whether it ought to be left to the colonial legislatures? For myself, I am of the opinion that if the colonial legislatures were to enact the reform, I would not object to it. But how is it to be effected? They will not do it.



their duty? Do we not remember, that, from the first moment when any proceedings were commenced for the amelioration of the condition of the slaves, the colonial legislatures invariably opposed every endeavour of the kind? There were no consequences so fatal, no injuries so great, that were not in the first instance predicted as certain to be the effect of any interference, even to lessen the horrors of the Middle Passage; by which, it may be now necessary to state, was meant the conveyance of the wretched victims from Africa to the West Indies. Let me also call to the recollection of the House, that such was the case, not only when propositions of the kind came from persons who might be looked upon as obnoxious to the West-Indians, or likely to be suspected by them, but when they were brought forward by individuals most respectable from their rank and fortune, and character, and who had long been regarded by the planters with favour, as decidedly partial to their cause. In 1797, an hon. gentleman now sitting opposite to me (Mr. C. Ellis), who had shewed a disinterested spirit of benevolence towards the negroes on his own properties, wished to prevail on the colonist to adopt some general reforms. The personal efforts he had used, and the sacrifices he had made, were a testimony of his unquestionable sincerity. He was desirous of introducing a reform, that, if carried into execution, he hoped might have had the happiest results. But he wished his reform to be patronised and carried into effect by the legislatures of the West Indies. The consequence was, that all his exertions were ineffectual; and that though his application was enforced by the most powerful of all pleas, viz. that, if they did not reform the system themselves, the British parliament would infallibly pass the much-dreaded abolition law, yet even with this enforcement, the colonial assemblies would do nothing.

Again; it is not to be forgotten, that Mr. Bryan Edwards, the historian of the West Indies, and one of their chief champions, himself suggested the reform of one of the greatest practical grievances of the West Indies, viz. that of the slaves being liable to be seized, and separately and even singly sold for the payment of their master's debts; and also the abolition of the Sunday market. He stated, that it was only necessary for the former of these objects, to repeal

a particular law of George 2nd. We yielded most gladly to what he recommended. The law that stood in the way of this improvement was repealed accordingly. But to this day not one of the thirteen colonial assemblies has verified Mr. Edwards's prediction, that, so soon as they should be able, they would redress this crying grievance. Nothing whatever has been done, and the evil still remains in all its force. Will my right hon. friend then say, that he thinks such reforms as are necessary will be fairly and practically attempted by the assemblies of the islands? Can he think it possible that they will? I know my right hon. friend's talents and principles so well, that I am willing to believe he will not suffer himself to be imposed upon in this respect. But let him beware; for if he does rely on them, he will assuredly be disappointed. And, let it never be forgotten, as sir Samuel Romilly used to exclaim, these poor negroes, destitute, miserable, unfriended, degraded as they are, are nevertheless his majesty's liege subjects, and are entitled to as much—aye, let me remind my right hon. friend, by the principles of our holy religion, to more—of the protection of the British constitution, because they are deserted, destitute, and degraded. On this very account, they have a peculiar claim to our sympathy and protection. The great and the powerful, the noble and the affluent ought to feel it their special duty to extend their aid to the weak, the helpless, and the oppressed. The object, I trust, will be accomplished in one way or another: slavery is a great moral evil, and a great physical suffering; and I trust that, ere long, means will be found to put an end to it. It is impossible, in the present state of the world, and with all the knowledge that has broken in upon us, to suppose that slavery can exist much longer.

I do not wish to enter into any invidious topics; though I confess my right hon. friend almost tempted me to do so, when he took upon himself to compare the state of the slaves of antiquity with the condition of the slaves in the West Indies. Let me remind him at least of one difference between the two: that among the ancients it was not in general difficult for the slave, by his industry or by his good conduct, to obtain his emancipation in a few years; but we all know the extreme difficulty of doing so in the

Jamaica, and still more Barbadoes, as the numbers born of the two sexes would only show the ordinary small deviation from a complete equality, the inequality arising from the importations must long ago have ceased to exist. The West Indians, however, went on contending for a large inferiority of number in the women, assigning in a great degree to this the strange phenomenon, that the slaves diminished, and thereby negating the operation of those circumstances in their treatment to which we ascribed the diminution. At length, however, the establishment of a registry gave us a nearer approximation than ever before to the real numbers of the slaves; and then what, Sir, was proved to be the real fact? That in every one of the West-India islands, so far was it from being true that it was this alleged disproportion which prevented the increase of the negroes, there has been in truth no such disproportion existing; and that in fact in all our islands, except the lately-settled island Trinidad, the women are in greater numbers than the men. As the whole population is made up of that of the different estates and families of domestic slaves, and as every owner had an accurate account of the number of his own, it is very surprising, indeed, quite unaccountable, how the hypothesis, universally prevalent and enforced on us, could be believed; and yet such was the account invariably given to us. Let this, then, be a proof that we ought not to trust implicitly to the accuracy of the statements received from the West Indies. But the important inference to be drawn from the decrease of the slaves, even under the circumstances of an equality of the sexes, is, that we must find the means of encouraging the natural increase of the negroes, or that the planters will lie under the strongest temptations to resort once more to the old source of the slave trade, carrying it on illicitly. Something must be done, to effect an entire reformation in the system, not merely with a view to justice and humanity, but also to sound policy: for however this country may be determined not to permit the recommencement of such a traffic, the temptation to renew it, which the deficiency of slaves would hold out, would be too much for human nature, at least for human nature in the West Indies. The registry bills that have been enacted by the different colonial assemblies, are altogether inadequate to their effect. I

freely confess that I cannot depend upon them for producing the desired effect of preventing the illicit importation of negroes; and, let any one who may have any doubt on this head, remember what was formerly stated by the colonial assemblies themselves, that if the abolition law should be passed, it would be practically impossible to enforce it.

There are only two other matters on which I am anxious to say a few words. First, I entirely concur with my right hon. friend in thinking, that it is highly to be wished that the conversion of the slaves into a free peasantry should rather be the gradual effect of the operation of moral causes, than that it should be suddenly effected by an act of parliament. But he will allow me also to tell him, and to tell the House, that when we consider the claims of these unhappy people, and the time that has been already lost in accomplishing this great and high duty, we ought not to prolong their slavery an hour longer than is absolutely necessary with a view to their own benefit, as well as to the interests of other parties. I believe most sincerely that any reform which should convert the slaves into a free peasantry would be no less advantageous to the planters themselves than to those who are at present in bondage to them. Still it is deserving of serious consideration, whether it would be either wise, or just, or prudent, to leave to time the emancipation of the slaves, allowing it to become general merely by the operation of principles such as have been alluded to; or whether it would not be fit to adopt something like the plan recommended about thirty years ago by the late lord Melville, and which, if carried into effect, would have left at this time scarcely a single slave in the whole of our West-Indian possessions. I cannot reflect that this plan was not carried into effect, without deep concern.

But there is another point, of extreme importance, on which practically all parties ought to agree. It is, whether the improving of the condition of the negroes ought to be the work of the British parliament, or whether it ought to be left to the colonial legislatures? For myself, I frankly confess, that if the colonial legislatures would make the reform, I should greatly prefer it. But how is it possible for me to expect that they will do it? Have we not large experience on this head; and does not all our experience show, that they will not do

their duty? Do we not remember, that, from the first moment when any proceedings were commenced for the amelioration of the condition of the slaves, the colonial legislatures invariably opposed every endeavour of the kind? There were no consequences so fatal, no injuries so great, that were not in the first instance predicted as certain to be the effect of any interference, even to lessen the horrors of the Middle Passage; by which, it may be now necessary to state, was meant the conveyance of the wretched victims from Africa to the West Indies. Let me also call to the recollection of the House, that such was the case, not only when propositions of the kind came from persons who might be looked upon as obnoxious to the West-Indians, or likely to be suspected by them, but when they were brought forward by individuals most respectable from their rank and fortune, and character, and who had long been regarded by the planters with favour, as decidedly partial to their cause. In 1797, an hon. gentleman now sitting opposite to me (Mr. C. Ellis), who had shewed a disinterested spirit of benevolence towards the negroes on his own properties, wished to prevail on the colonist to adopt some general reforms. The personal efforts he had used, and the sacrifices he had made, were a testimony of his unquestionable sincerity. He was desirous of introducing a reform, that, if carried into execution, he hoped might have had the happiest results. But he wished his reform to be patronised and carried into effect by the legislatures of the West Indies. The consequence was, that all his exertions were ineffectual; and that though his application was enforced by the most powerful of all pleas, viz. that, if they did not reform the system themselves, the British parliament would infallibly pass the much-dreaded abolition law, yet even with this enforcement, the colonial assemblies would do nothing.

Again; it is not to be forgotten, that Mr. Bryan Edwards, the historian of the West Indies, and one of their chief champions, himself suggested the reform of one of the greatest practical grievances of the West Indies, viz. that of the slaves being liable to be seized, and separately and even singly sold for the payment of their master's debts; and also the abolition of the Sunday market. He stated, that it was only necessary for the former of these objects, to repeal

a particular law of George 2nd. yielded most gladly to what he recommended. The law that stood in the way of this improvement was repealed accordingly. But to this day not one of the thirteen colonial assemblies has verified Mr. Edwards's prediction, that so soon as they should be able, they would redress this crying grievance. Nothing whatever has been done, and the evil still remains in all its force. Will my right hon. friend then say, that he thinks such reforms as are necessary will be fairly and practically attempted by the assemblies of the islands? Can he think it possible that they will? I know my right hon. friend's talents and principles so well, that I am willing to believe he will not suffer himself to be imposed upon in this respect. But let him beware; for if he does rely on them, he will assuredly be disappointed. And, let it never be forgotten, as sir Samuel Romilly used to exclaim, these poor negroes, destitute, miserable, unfriended, degraded they are, are nevertheless his majesty's liege subjects, and are entitled to much—aye, let me remind my right hon. friend, by the principles of our holy religion, to more—of the protection of the British constitution, because they are deserted, destitute, and degraded. On every account, they have a peculiar claim to our sympathy and protection. The great and the powerful, the noble and the affluent ought to feel it their special duty to extend their aid to the weak, the helpless, and the oppressed. The object, I trust, will be accomplished in one way or another: slavery is a great moral evil, and a great physical sin; and I trust that, ere long, it will be found to put an end to it. It is impossible, in the present state of the world, and with all the knowledge that has broken in upon us, to suppose that slavery can exist much longer.

I do not wish to enter into any invidious topics; though I confess my right hon. friend almost tempted me to do so when he took upon himself to compare the state of the slaves of antiquity with the condition of the slaves in the West Indies. Let me remind him at least of one difference between the two: that among the ancients it was not in general difficult for the slave, by his industry and by his good conduct, to obtain his emancipation in a few years; but we all know the extreme difficulty of doing so in the

savage life—if, forgetting the doctrines and truths of Christianity as yet but recently and imperfectly inculcated, they were to relapse into their former superstition—if, abandoning the habits of peaceful industry, they were to have recourse to plunder and violence for subsistence; if such were to be the result of emancipation, let me ask whether we should have performed our duty towards the negroes.

I conceive our duty to be very different—to be more difficult and more complicated. I conceive it to be—so to prepare them, by religious instruction, by the gradual acquisition of civil rights, and by the habits of civilized life, that the influence of those habits may be substituted for the authority of the master whenever that authority shall be withdrawn; that they may become honest, peaceable, moral, and industrious members of a free society, and that the transition may take place without a convulsion. In a word, I conceive the only means of making atonement for the original crime of the slave trade, and the establishment of slavery, to be, through the benefits which we may thus confer on the progeny of those upon whom we inflicted the original injury.

It is because, in my opinion, the resolutions proposed by the hon. member would not have the magic power of effecting this object—because I think the consequence of adopting them must inevitably be, to produce results in direct opposition to the purpose which I have no doubt the hon. gentleman and his friends have in view—because I am satisfied that the resolutions, if passed, would operate like a proclamation of enfranchisement—because the declaration that their liberty had been withheld from them, contrary to the principles of Christianity and the British constitution, could not fail to be considered by the slaves as an admission of their right to assert their liberty by whatever means of violence might be in their power, that I must protest against this work being undertaken by this House. If this House were to resort to compulsory enactments, producing resistance on the part of the colonies, whether their resistance should arise from unreasonable apprehensions, or our enactments should originate in ignorance of the feelings and habits of the inhabitants of the West Indies; whichever party might be in the wrong, it matters not: if you were to hold up to the negroes the spectacle of

the British parliament legislating in their favour, and the colonial assemblies resisting the benevolent intentions of parliament; would not the negroes consider the British parliament as their benefactors, and the colonial assemblies as their oppressors? And could the existence of such a feeling be by possibility consistent with contentment, or long even with submission?

I conceive that it is not fair or just to say, with the hon. member who spoke last, that the House is driven to this extremity because the colonial legislatures proceed so slowly in the work of amelioration. I beg the hon. gentleman and the House to reflect what has been the rate of progress by which the peasantry of Europe have arrived at their present condition from their former state of villeinage; how large a portion of Europe is, even at this moment, inhabited by a population which, if somewhat raised in the scale of society above the negroes of the West Indies, are scarcely in a less degree depressed below the state of freedom which is enjoyed by the subjects of the Crown of Great Britain. It is therefore only fair to consider how far a slow progress may be essential to a peaceable transition from slavery to freedom, at all times and in all countries; and we must not forget how much the difficulties are complicated and increased, and the dangers augmented, I should say, almost incalculably, in the case of our colonies, by the difference of colour—by the feelings and prejudices associated with that distinction—by the overpowering numbers and physical force of the slave population as compared with the white inhabitants of the colonies—and by the great political power which must of necessity be conveyed by an equal participation in all the civil rights which are enjoyed by British subjects under our free constitution.

After taking into account all these considerations, and giving due weight to the complications introduced into the question, by the fears of the one party, and the claims of the other, we shall find that this is a problem, perhaps, of more difficult solution than any that was ever submitted to the legislature of any country. It is only by looking fairly at this difficulty, that we can judge the right which we have to charge the colonial legislatures with being culpably slow in the progress which they have made.

Perhaps I might be justified in resting



this House. But for the establishment of slavery, for the inherent vice of the system, for that original sin, they are not responsible; the responsibility attaches upon the government who framed the system, and upon the parliaments which have repeatedly sanctioned it, and who framed and have upheld it, for views of British policy. For be it remembered always, in treating this question, that our colonial system was not established for the sake of the colonies, but for the encouragement of British commerce and manufactures; for the purpose, to use the words of the Navigation act, "of rendering his majesty's plantations beyond seas beneficial and advantageous to this kingdom in the employment of English ships and English seamen." It is the same with respect to the slave trade. The slave trade, in its origin, had no reference to our colonies: there are on record slave-trade voyages anterior to the period of our possession of the West-India colonies: it has been carried on for its own sake, and in order to supply foreign countries with slaves; and the British parliament has invariably treated it as a part of that system of navigation and commerce upon which our naval power mainly rested, and with which the interests of the colonies were connected only as secondary and subservient, and as being instrumental to the support of those great paramount British objects. Parliament, for nearly a century and a half, encouraged, watched over, and regulated that trade, not as was the case from the period when the hon. member for Bramber undertook the subject for purposes of mercy towards the unhappy victims of it, but for the purpose of securing to British subjects the exclusive profits of the traffic, and in order to render it, under our navigation laws, one of the means of our maritime strength. Parliament enacted, that no slave ships should be admitted into our colonies but from British ports; that they should be British built, and navigated by three-fourths British seamen. Let not parliament then suppose, that it can throw off from itself, and fix upon the planters in the colonies, the responsibility for this long course of crime. The planters, even if they can be considered as participators in the crime of the slave trade, must be acknowledged to have been seduced into it by the mother country. For the establishment of slavery, therefore, they are in no degree responsible;

it was exclusively the work of the government and parliament of Great Britain; and whatever may be the sacrifice involved in a due atonement for it, they are bound to take it upon themselves. They have no right to inflict it upon the colonies.

It is admitted, on the part of those who bring forward this proposition, or at least it has been declared, that it is not their intention to injure or destroy the property of the planters. All they ask is, the fair protection promised under the faith of parliament: parliament is bound to fulfil its duty equally to both parties—to the slaves and to the planters. We are bound not to allow a natural propensity to indulge an amiable feeling of humanity, to lead us away from the discharge, however irksome or inconvenient, of the obligations of justice: still less should we be warranted in permitting an intemperate zeal in the performance of the one duty to lead us into a course which would produce the violation of both of them. The force of this obligation has been fully admitted by the hon. gentleman on the other side, and especially by the hon. member for Bramber, in the speech in which he called the attention of the House to the subject early in the present session: he then admitted, that we had not a right "to pay a debt of African humanity with West-Indian property." All I ask of him, and of the House, is the equal performance of these duties: I would even be content to rest the decision of this question, and my whole argument on behalf of the West-India planters, on the fair fulfilment of one of them; namely, the duty which this country owes to the negroes. I entreat the House to recollect that liberty, though the greatest of all political blessings, is a blessing capable of being abused, if conferred on persons not fitted to receive it; and abused to the injury of those very persons upon whom it is bestowed. If the result of emancipation were to be, as at this moment it would probably be in Jamaica, in any other of the islands, where there are the means of subsistence in the mountains abundantly sufficient for all the wants of savage life, and when there would exist no stimulus to labour but such as arises from the artificial wants of civilized society; if the result were to be that the negroes on their emancipation were to betake themselves to the mountains—to revert to their former habits



from the noble lord who presides in the court of chancery; and, if the inconveniences affecting the negroes themselves cannot be obviated; I think I may venture to say, no objections will be made of any other character—certainly none on the part of the West-India planters, connected with their own immediate interests.

But this is not all that has been done by the assembly. In 1817, a law was also passed to make it imperative on every overseer or manager of an estate to give information to the coroner of the death of any slave who may die otherwise than according to the common course of nature. In 1816, also, an act was passed for the appointment of a curate in each parish with a salary of 300*l.* for the purpose of promoting the religious instruction of the slaves. It was notified to the assembly that this provision of 300*l.* currency (something more than 200*l.* sterling) was inadequate. The Assembly did not say, as they might have done, that the sum so provided was more than double the amount of the generality of curacies in this country, and even equal to the amount of many livings; but with great liberality they immediately increased the salary to 500*l.* currency.

If gentlemen should say, as has been not unfrequently the practice, that these enactments are a dead letter, I must beg leave most positively to deny the truth of such an allegation; and I appeal to the general improvement which has, as I understand, taken place in the condition of the black population, in proof of the correctness of my assertion. In 1805, when I was myself in Jamaica, the treatment of the slaves, I can venture to assert from my own observations, was such as reflected credit on the liberality and humanity of their masters; and I have been informed, and from authority which I cannot doubt, that since that period a further and very considerable improvement has taken place, both in the habits and behaviour of the negroes, and in their treatment by the white inhabitants. Since that period also, nearly the whole negro population of Jamaica have been baptized; and I am further informed, that in many districts marriages have become very frequent among them. I do not state these improvements, as claiming any great credit on behalf of the legislature of Jamaica; but I think I am justified in saying, that they bear me out in the as-

sertion, that a general and progressive improvement, has been, and is still going on in that country.

With respect to many of the regulations alluded to by the hon. gentleman who opened this debate, I believe that no objection will be offered on the part of the planters in the West Indies. For instance, as to the regulation for securing to the negro by law, that property which he now possesses through custom only, I think I can venture to say, there will not be made the slightest objection. With regard also to a point which has been made the subject of great reproach—I mean what is commonly termed the driving system—I must beg leave to say, I do not believe, however confidently it may have been asserted, that the whip is used as a *stimulant* to labour. I believe it will be found that the whip is generally placed in the hands of the driver—who is always a confidential negro—more as a badge of authority, than as an instrument of coercion. I admit, that it may be—as the appellation denotes—the remnant of a barbarous custom. But it is, in fact, considered at present only as a symbol of office. It is not, however, of importance now to discuss this point; for I am persuaded the planters will make no objection whatever to the prohibition by law of its use for either purpose.

With respect to another practice, the indecent punishment of females with the whip, there can be no doubt as to the propriety of passing a law for its prohibition. With regard to the abolition of Sunday markets, and the affording equivalent time to the negroes to work on their own account, I have no hesitation in saying, that the planters would readily agree to such a proposition, provided that the means of employing the time so given up to the negroes, in religious instruction, can, as I trust it will, be afforded. With respect to some other points adverted to by the hon. member, I fear serious objections, and greater practical difficulties than he is himself aware of, may be found to exist. I have, however, no doubt, but that the West-India planters will consent to every fair and reasonable proposal for the improvement of the condition of the slaves. But, gentlemen must not be surprised if modifications of detail, which may not have occurred to them, should be found essential to the safe or beneficial adoption of such improvements in the colonies. It is with

great reluctance that I trouble the House by going into these details; but there is another point on which so much stress has been laid, that I cannot pass it over. Much obloquy has been cast upon the colonies on account of the general inattention paid to religious duties in those countries, and the licentious habits both of the black and white inhabitants. I am far from meaning to be the apologist of such a state of manners; but I must beg it to be recollected, that, among other paramount rights which the mother country has retained, she has included that of the superintendence and patronage of the church establishment in the colonies. She has undertaken to provide them with religious instruction; she has placed the clergy under the jurisdiction of an English bishop; and she has given to the governor of each colony, who is appointed by the Crown, the nomination of all the livings. The sole and single duty left to the colonies is the charge of providing salaries for the clergy. If that duty has been discharged by them with a degree of liberality which sets all reproach at defiance—if that very liberality has operated as a temptation to the abuse of the patronage so reserved by this country—if clergymen have been selected with less regard to their fitness for the due performance of their religious duties than to their need of the large profits of the livings; and if the clergy so appointed did not pay that attention to the moral and religious instruction of the negroes which they ought to have done, and which all admit to be so desirable; if they have not obtained that influence over, and that respect from, the white inhabitants of the colonies, which belongs to their sacred character, I ask where does the responsibility attach for the bad state of morals of a society so neglected as to that point upon which the morality of all society must depend? I do not mean to insinuate, that such complaints can be truly urged against the clergy in the colonies at the present moment: I believe, on the contrary, that the church patronage, in the island of Jamaica at least, is judiciously bestowed by the noble duke at the head of the government there; and I beg leave to offer to the right reverend prelate, under whom the clergy are at present placed, the humble tribute of my gratitude for the zeal and interest which he has shewn in furthering the religious instruction of the

slaves. But the present state of morals and manners in the West Indies is fruit of seed sown long ago, and easily nor speedily to be eradicated. the responsibility, however, as to cause, where it may, the duty of removing the evil, I agree, is not the less urgent. But that remedy is not to be found in emancipation of the negroes. No mode of arguing can be more fallacious, nor must take the liberty of saying, more unfair, than to cite the bad state of morals in the West Indies as a reason for the enfranchisement of the slaves. It may be an argument *ad iracundiam*, a powerful means of exciting feelings prejudicial to the inhabitants of the colonies, but it can be no reason for emancipation. Emancipation is not the only, nor the best remedy—as that argument would imply—the best, and I will venture to say, the only remedy for the present state of morals in the colonies is, the influence of religion. Emancipation, I contend, has not *per se* any tendency to remedy the evil. The utmost state of moral licentiousness, we all know, is compatible with the utmost degree of political freedom. And freedom, if given to the negroes before they are fitted to receive it, would only confirm and aggravate the evil. We must therefore look to another course. The only course, as I conceive, consistent alike with the duties of real humanity towards the negroes, and of justice towards the proprietors in the colonies, is that recommended in the resolutions of my right hon. friend. In pursuing that course the government are entitled to the fair and honest co-operation of the West-Indians in this country, and in the colonies; and I trust, that the confidence which will be inspired by the able and statesmanlike manner in which my right hon. friend has treated this question will ensure the application to the colonists not being made in vain. Time was, when I should have hazarded the anticipation that such a course would have also met with the approbation of hon. gentlemen most particularly interested in favour of the Africans. That course is indeed pointed out and described with equal distinctness and eloquence, by a writer supposed to be the organ of their sentiments; and an authority to which I am particularly glad to be able to appeal, and not being liable to the suspicion of an undue partiality to the West-Indians. I am, Sir, describing the views of the abolitionists.

in respect to the future emancipation of the negroes, he says,—“They did not aim at an emancipation to be effected by insurrection in the West-Indies, or to be ordained precipitately by positive law: but they never denied, and scrupled not to avow, that they did look forward to a future extinction of slavery in the colonies, to be accomplished by the same happy means which formerly put an end to it in England; namely, by a benign, though insensible, revolution in opinions and manners, by the encouragement of particular manumissions, and the progressive melioration of the condition of the slaves, till it should slide insensibly into general freedom. They looked, in short, to an emancipation, of which not the slaves, but the masters, should be willing instruments or authors.”

The writer then goes on to describe the particular mode in which the extinction of slavery was accomplished in England: “In England, if it be asked what cause most powerfully contributed to the dissolution of the degrading bondage of our ancestors, the answer must clearly be, the extreme favour shown to individual enfranchisements by the judges and the laws. That baneful growth of foreign conquest, or early barbarism, *villeinage*, had nearly overspread the whole field now covered with the most glorious harvest of liberty and social happiness that ever earth produced, and where not one specimen of the noxious weed remains; yet it was not ploughed up by revolution, or mown down by the scythe of a legislative abolition, but was plucked up, stalk by stalk, by the progressive hand of private and voluntary enfranchisement. Slavery ceased in England only because the last slave at length obtained his manumission, or died without a child.” I would recommend this text to my right hon. friend and his colleagues for their guidance, in the prosecution of the great work which they have now undertaken. He will find it in the Report of the African Institution, published in the year 1815. I will only add, that to the extinction of slavery, so to be accomplished—namely, “by the same happy means as in England,” with the same regard to private property, and a similar maintenance of the public tranquillity—I not only have no objection to offer, but, with such limited means as I possess, I should feel bound to lend, my humble support.

Mr. William Smith said:—Notwithstanding there may have been something objectionable in the tone and manner of the hon. gentleman who has just sat down, I have on this account nothing to retort, but I am ready to give him all imaginable credit for the sentiments he has himself declared, and on which, I hope, he has consulted the opinions of a large number of persons, who in a resistance to a proposition of this nature would be extremely ready to join him. In many of the facts he has stated, and in much of the reasoning he has advanced, I am much disposed to agree, and in nothing more than what was insisted upon so strongly by my hon. friend who began this debate, that this, the first, and every other step towards emancipation must be gradual. But still there is this great distinction between us, more material than I wish it were, that while I admit, on the one hand, that the emancipation of the negroes must be gradual, I think at the same time it is absolutely necessary, that it should be rendered certain. It is upon the uncertainty of what has been proposed to us this night by the right honourable gentleman on the other side, that I feel myself most dissatisfied. The hon. gentleman who spoke last has referred to a measure taken by himself, or at his suggestion, many years ago, which unquestionably did him great honour at the time: he has acknowledged, that, because the execution of his proposition was left to the legislatures of the West-Indies, it did not effect all the good he had intended towards the negroes. Now, on this particular point, I must beg leave to call the attention of the House, and of the right hon. gentleman, to a circumstance which he may have forgotten. On the 19th June, 1816, an hon. relative of the hon. gentleman on the other side proposed a resolution, from the conclusion of which I will read the following words: “And that his royal highness will be pleased to recommend, in the strongest manner, to the local authorities in the respective colonies, to carry into effect every measure which may tend to promote the moral and religious improvement as well as the comfort and happiness of the negroes.” Here, then, we get into this dilemma; either the colonial assemblies have carried those ameliorating measures into effect, or they have not: if they have not, it may arise from one of two causes—either that the parties were inattentive to the recommendation

so strongly urged by this government; or that they saw the moral and religious improvement, and the comfort and happiness of the negroes, with eyes very different from those with which parliament contemplated them. I should wish to know, then, what greater security we have at this moment for effective exertions on the part of the West-Indian legislatures, if we adopt the resolution of the right hon. gentleman which has just been proposed. We may again declare, "That it is expedient to adopt effectual and decisive measures for meliorating the condition of the slave population of his majesty's colonies:" but are we sure that it will be of any use to declare it? After the adoption of the former resolution which I have just noticed, we received information from the best authority, that the laws passed in the West-Indies were, even avowedly among themselves, only to gain time, and to quiet the parliament and people of England. [The hon. member read a quotation from the document he referred to, and then proceeded.]

What I have to ask is this: have the important objects so recommended been accomplished within the last seven years, or have they not? Nay, I will ask a question much more home: has any one of the propositions mentioned to-night as almost a *sine qua non*, with a view to the improvement of the condition of the negro, been put even in a train of accomplishment in the West-Indies? The fact is, that when the returns from the colonies were laid upon the table the other day (which, allow me to say, ought to have been there long since, having been ordered two years ago), I turned over the book, expecting, of course, to find the proper return from Jamaica; and it was not till after I had gone through it twice, that I could persuade myself, which I did very reluctantly, that it was really wanting. Not one word from that most important of all the islands. And yet without that return we must take what has been done, merely upon the representations of the hon. gentleman: I mean what has been done, among other things, for the moral and religious improvement of the negroes. I hold in my hand a Jamaica Gazette, dated no longer ago than in November last, in which it appears that a committee of the house of assembly reported, that, excepting in two or three large parishes, it had not been found that the measures taken for the reli-

gious improvement of the blacks attended with success. As far as private information goes, I may say those measures have been attended with very little advantage indeed. It will be found, that the expectations of the British parliament, so far from realized, have been grievously disappointed, and that, as to moral culture, the cause has gone as much back in some cases as forward in others too, from any facilities having been afforded to manumission, it is now more than it was at any former period. I am concerned to hear the hon. gentleman who spoke last, so openly of any interference on this subject by the British parliament. He was opposed to all interference and almost opposed to it.

Mr. Ellis.—My observations were directed against the policy and consistency of interference.

Mr. William Smith.—I understood to protest, or to say what nearly amounted to a protest, against any interference on the part of the legislature here on behalf of the slaves. If I was misunderstood, I am glad of it; and I would rather than his interpretation of his own words, attempt to put my own sense upon it. But if we are to be threatened with consequences, and to be talked to of the impolicy of interference on the part of the British parliament, if the power of the colonists should be too dissipated and inefficient to meet the just expectations of this country, and if we are to be threatened, I conclude, that the conclusion of our undertaking for the benefit of the negroes is by no means near as we could desire. During the period of our labours, we know that the hon. gentleman himself, that they satisfy his own expectations; and in the latter period, we are equally satisfied that they did not satisfy ours. What ground of confidence do we now have? I must indeed think that, after all that has been seen upon this subject, after all the experience we have had during a long period of years, we are entitled to demand a greater security than the right hon. gentleman, in his resolutions, has given.

It is not my intention at this time to go into details; but I feel disposed to contend against some of the most points adverted to by the hon. gentleman. As to the first settlement of the



it is a long way indeed for the hon. gentleman to look back; and I confess I see no necessity for it, since it makes nothing for his argument. I shall not follow him thither; but when he tells us, that the emancipation of the villeins, and the destruction of feudal tenures, was the work of many ages, I must ask whether gentlemen really do think, that now, in the nineteenth century, we are to make no quicker progress in the annihilation of slavery? and when we know too, that it is held in detestation by the whole British people? Have we no additional lights to guide us in 1823, beyond those which were possessed in 1400? We know, in point of fact, that at that time the trade in slaves between Bristol and Ireland had scarcely ceased. In the 13th century, it is an unquestionable fact, that Englishmen were kidnapped on the shores of the Bristol channel, then taken to Ireland, and there actually sold as slaves, until the practice was put an end to by the Irish themselves—on account of its acknowledged inhumanity.

But I beg leave upon this, and every occasion when the opportunity offers, to enter my strongest and most indignant protest against the doctrine of treating man as the property of man; and never will I admit that claims of a nature so immoral and extravagant are to be treated with as much delicacy as private rights of a legitimate description. Unless we utterly reprobate this idea in the first instance, we do almost nothing; and it is chiefly to endeavour to destroy this notion, which in some quarters seems even yet to prevail, that I have risen: very much indeed for this especial reason do some of the propositions of my hon. friend deserve to be preferred to those of the right hon. gentleman. As long as we suffer ourselves, or any person or persons connected with us, or dependent upon us, to apprehend that it is possible to hold the same unconditional property in their fellow-men as in any other species of production—until that impious opinion, destructive of all the distinctions which the almighty has established between man and brute, is removed so completely that not a trace of it shall remain, the march of amelioration in the condition of the negroes will be slow indeed.—Having said thus much, I will content myself with repeating, that I entreat the right hon. gentleman to give us a little more information as to the time when this ameliora-

tion, according to his resolutions, may be expected to take place; and as to the security on which he rests that, without the interference of parliament, it will ever, at any definite period, however distant, receive its accomplishment.

Sir *George Rose* said, that although the turn the debate had taken induced him to address himself to the House far more briefly than he had originally intended, there still were considerations which he deemed it indispensable to lay before it. These arose from the altered state of Christianity amongst the slave population of the British West-India settlements, which, whilst it is by no means such as it undoubtedly ought to be, is yet not so hopeless as it has been represented, and by no mean authorities. Even the University of Cambridge, in its petition, has declared, in speaking of the negroes, that “religious instruction is nearly altogether precluded”—a statement in no wise warranted by the case. He begged the House, however, to believe, that very far from considering the progress made, as that which ought to satisfy those interested in that highly important matter, he looked upon it but as the earnest of what remained to be done by the West-Indian proprietors, and as the proof of what may be effected. Being by inheritance one of these proprietors, he had, from the moment of becoming such, felt the immensity of the responsibility which devolved upon him as charged with the spiritual welfare of the negroes on the property in question; the small extent of it being of course no measure of that responsibility; and he was led to state circumstances which had occurred to himself, as testifying powerfully to the beneficent effects of religious instruction, both to the slaves themselves, and to their owners. Inheriting a small landed property in one of the lesser islands, he at once ascertained that, both from local circumstances, and from the duties of the parochial clergy to their white and coloured flocks, and from their being too highly educated for the missionary task among human beings so utterly ignorant, narrow-minded, and thoughtless, as the unconverted negroes are, he could not obtain spiritual aid for them from the clergy of the church of England. He then solicited it of the Moravian brethren; doing so with the concurrence of respectable persons in the island, whose co-operation he was most



anxious to obtain for the success of his views, as he knew how favourably they were impressed with regard to that very respectable and meritorious sect. Circumstances foreign to himself, but in which the pious and excellent persons to whom he addressed himself were blameless, rendered this application unsuccessful: there then remained no other source of religious instruction but that of the Wesleyan mission. This was the one he was the least inclined to address himself to, on account of the strong feelings against them which he knew to exist in the bosoms of those whose co-operation was most important to the attainment of his views; but as no other resource remained, and the choice was between heathenism in its worst shape, and Christianity as preached by a Protestant sect, he could not hesitate a moment what to do. He was bound to say, that the Wesleyan committee had met his wish for missionary aid with distinguished readiness, piety, and liberality. From his intercourse with its members, and his increasing knowledge of the operations of its servants, and of the subject in general, he had no less reason to be surprised, when, on the responsibility for the conduct of two other estates in Jamaica devolving in a great degree upon him, at a subsequent period, he found a state of things which was sufficiently instructive. On one of these estates, the best and the largest, the negroes, though baptized, were in every other respect completely heathen; grossly depraved and immoral; and its affairs very disadvantageously circumstanced.

The condition of the other estate was decidedly better. It is in the immediate neighbourhood of one of the stations of the Wesleyan missionaries, whose labours had led the far greater part of the black population to real and practical Christianity. He had ascertained that, in the year 1821, of 120 males, ten were found to be of conduct more or less reprehensible, and had been punished; of 130 females, one alone had received reprehension and punishment: and the attorney of the estate, a man of very respectable character, speaking of the great improvement in the morals and conduct of the negroes within a few years, says, that "this improvement is so decisive, and the progressive discontinuation of punishment so marked, that he has a confident hope that punishment will die away, and be extinguished at no distant period; and that

the beneficial effects are to be attributed almost exclusively to the labours of Wesleyan missionaries,"—men whose tireless exertions for the weal of their fellow creatures, he portrays in strong colours.

He observed, that enough had been said to show the practicability of effecting the conversion of the negro by following up the beginning thus made; that, besides these considerations of the highest nature, there can be no doubt of the power of Christianity alone to effect the objects of the House in favour of the negroes, when it shall be general in the West-Indies; that slavery cannot stand against real and universal Christianity; that obstacles to the emancipation of the slaves, now multiplied and most serious, must vanish before it; that he could, were it not to trespass too much on the time of the House, give proofs that the improvement of the slaves had already reflected a light upwards, and acted on classes of society above them, producing new feelings, and a new impulse; and that in an island where the greatest progress had been made in evangelizing the negroes, institutions were actually in progress, of which the West Indies would not have been regarded as susceptible a few years back. But he was bound to show that he was holding out no illusive hope; a regular improvement in the feelings of the West-India proprietors and of their attorneys was in rapid progress, as demonstrable by various facts.

The Wesleyans are excluded from no one island; and as with respect to them alone, of all Christian teachers, have exceptions been taken, where they are admitted all others assuredly are. Upon seven islands every estate is open to their missionaries; and this will be the case with an eighth, when they can occupy the ground. They have access to a third of the estates in Jamaica, and to a half of those in Dominica; and they have missions in Barbadoes. The following may be a tolerably accurate statement of the progress of conversion amongst the slaves of the British West Indies. There are in those settlements not quite 800,000 slaves; of them, about 63,600 are adults under the care of the Wesleyans; and of these, a very large proportion are not merely baptized Christians, but such in their lives; as those whose conduct is repugnant to their Christian profession are excluded from their communion. If to this number is added that of chil-

dren under instruction, and children of Christian parents baptized, and who receive instruction as soon as they are capable of profiting by it, the total number of Christians aggregated to the Wesleyans may be taken at about 80,000. And if those in real communion with the Moravians, who form a considerable mass; with the Baptists in Jamaica; with the Scotch church, and the agents of the London Missionary Society at Demarara and Berbice; and with the church of England; are computed at 20,000, the total will be 100,000, or an eighth part of the whole. It is particularly to be observed, that besides whatever aid may be derived from other missionary sources, the Wesleyans alone, had they sufficient pecuniary resources, could double the number of their preachers of the Gospel instantly, independently of whatever increased supply they may be able to furnish to meet a growing demand. Each of their missionaries costs them annually from 150*l.* to 250*l.* according to the state of his family. The average may then be taken at 200*l.*, and one missionary is considered as competent to the instruction of 1,000 negroes. It is true that they wisely allow no one to pay their servants but themselves; but they accept of all contributions to their funds; and such proprietors as will contribute, either jointly with others, or separately, according to the circumstances of their estates, the means of maintaining a missionary on the footing of expense and extent of labour specified, are sure of obtaining for their estates the spiritual labours necessary for the conversion of their negroes.

The duty to obtain such instruction is solemn, urgent, and imperative: the facility of obtaining it is such as has now been shown; and it is one that should be made positive and obligatory by law: and he felt an extreme anxiety that legal provision should be made to compel exertions of the landholders to procure teachers of the Gospel for the negroes through the whole of the British West India settlements; that returns of the progress of religious instruction should be required; and that every proprietor should at certain, and not distant periods, be obliged to show, either such progress actually made amongst his slaves, or that the absence of it arose from no fault of his; that he has made every practicable endeavour to promote it.

Mr. Bright said:—But for the turn the debate has taken, it was my intention to have gone at full length into the subject; but after what has already passed, I shall not occupy the House for many minutes. It cannot be denied that the question is of the highest importance to the interests of a large class of his majesty's subjects; I mean the West-India planters; who, I think, have to complain of a good deal of unmerited obloquy thrown upon them out of doors. I believe that the conduct of the planters has been much misrepresented; that justice has not been done them generally in this country; and I believe that they have been occupied as actively as was possible, under the circumstances, in ameliorating the condition of their slaves. I believe, that by numerous authorities this could be shown to be the fact; but I will not enter into that subject at the present moment. The West Indians have a just right to complain that their remonstrances and representations have not been duly attended to at home, and that many mis-statements have gone abroad as to the actual condition of things in the colonies. Some individuals who have been instrumental in putting forth these mis-statements ought to have been better informed. I will read a passage from a publication upon this subject, which, as I contend, is wholly unfounded; because I will afterwards submit to the House a direct contradiction of it. [The hon. gentleman here read a quotation from a tract in his hand, stating that the fines upon manumission had been nearly doubled.]

Now, this assertion I will undertake to refute. Within two or three days, returns have been laid upon the table from nearly all the islands in the West Indies; and from these returns I will take the liberty of submitting certain results. It appears that, in the years 1808 and 1809, the tax on manumission in the island of Dominica was 100*l.*; and it is now only 16*l.* 10*s.* on slaves born in the island: on foreign slaves, it is 33*l.* In Jamaica, in the year 1797, the tax on manumission was 100*l.* currency; and so it continued till the year 1818: but now there is no tax on manumission; and out of 400 slaves freed between the year 1808 and 1818, only five paid any thing for their liberation. In St. Vincent's, up to September 1820, the fine or tax was 100*l.*; but since that date there has been no fine or tax at all. Eight per cent were paid by free-

men under a former law. In Barbadoes, from 1808 to 1816, the fine on the manumission of a female was 300*l.*, and of a male 200*l.*; and so it continued until August 1816, when the fine was repealed: since that time, 250 slaves have been freed. In Antigua there has been no tax or fine on manumission, nor have there been any fees paid. In Tobago there is at this time no payment at all on the manumission of a slave. In St. Christopher's there was no tax or fine on manumission from 1808 to 1821. In Tortola in 1812 there was a fine of 6*l.* 12*s.*; and under that law only fourteen paid the fine; and it expired in 1813. In Trinidad there is no tax or fine on manumission. In Demerara a large sum is sometimes imposed; but it is thrown into the poor fund, upon which the slaves have a claim.

After these statements from official documents, let me ask the House if I have not made out, that in respect of manumission, in nearly all the colonies, the tax or fine has been remitted from time to time, and in some of them that it does not exist at all. What then becomes of the assertion, that the fines upon manumission have been nearly doubled? Yet that assertion was made by the hon. member for Bramber, who, on this most important point, seems not to have looked at the returns upon the table. Have I not overturned the proposition? Have I not shown that it is without a shadow of foundation; and that the fines upon manumission have been reduced or abolished in Dominica, Jamaica, St. Vincent's, Barbadoes, Antigua, Tobago, St. Christopher's, Tortola, Trinidad, and Demerara? I quoted the words of the hon. gentleman's pamphlet, and they will bear but one meaning; and I put it to any man whether that meaning is not, that at this time there are heavy fines upon manumission, and that the fines have been greatly increased.

There are many other instances in which the West-Indians have been harshly and unfairly treated by their opponents. There is a most notorious book which has been distributed in this country, which is generally believed to be an honest and true representation of facts; but it is far from it. I mean the book intituled, "Negro Slavery." I impute a bad intention very reluctantly to any man; but I do impute a bad intention to the man who put this book together. In that book a letter of the rev. Mr. Cooper has been much talked of; an extract is given from

it, or professed to be given from it; but will compare Mr. Cooper's letter its with what is said of it in the pamphlet. [The hon. gentleman here read the quotation to which he referred.] Does not this, let me ask, convey a very strong imputation upon the Jamaica planters? But if I can show, as I will do, that such an imputation was not in the mind of the writer of the letter, ought it to go forth to the country with that interpretation? The real passage, as it stands in Mr. Cooper's letter, is this. [Mr. Bright read the passage.] I put it to the House whether what is printed in this book called "Negro Slavery," as a fair quotation, is so, or such as ought to be promulgated as the real sentiments of this respectable gentleman.

The author of the same work goes on in another place, to quote Dr. Williamson, a medical man, who for a long time resided in the island of Jamaica. Of course he might be conversant with scenes of the utmost distress, if they occurred there: his object was to apply remedies to the evils he witnessed, and his statement is highly creditable to the humanity of the planters of Jamaica. I will read one or two quotations from what he says to prove what I have advanced. I admit that passages may be found to show considerable mischief, and considerable evil may exist under the present system; yet the whole result of his opinion is highly favourable to the colonists, and to the management of the negroes. [The hon. gentleman read several passages from the statements of Dr. Williamson.] I could cite innumerable instances of the same kind; so that it is not fair that he should be put forward as a witness upon the other side, and against the planters of the West Indies.

Mr. Sykes said, I am most happy to hear the statements of the right hon. member opposite (sir G. Rose), with respect to the amelioration of the condition of the slaves in the West Indies; but I confess I should have received still greater satisfaction if the right hon. gentleman had been more explicit as to the mode, time, and manner in which the future emancipation of the slaves is to be attained. In this respect the House is yet left in almost total darkness. It was my intention to have taken a fuller share in to-night's debate, and to have entered largely into a subject, in my view, more interesting than any that has engaged the

attention of parliament: but after the conciliatory, and, in many respects, satisfactory, speech of the right hon. gentleman, I shall occupy the attention of the House for a very few minutes. The difference between the resolutions moved by my hon. friend and those of the right hon. gentleman, is not so wide as to call on the friends of the former for an extended discussion. The main object of my rising is, to say a few words in answer to my hon. and learned friend who spoke last. He has thrown out some observations with respect to those engaged in discussions upon negro slavery out of doors. He has addressed a speech against the pamphlets of others who are not now present, and who, consequently, cannot be heard in support of their own statements. With regard to the author of the pamphlet entitled "Negro Slavery," my hon. and learned friend has asserted, that he has misquoted Mr. Cooper. Now, I confess I do not see in what manner the author of the pamphlet has misquoted him; and, as I understand the passage, he has in substance stated the same thing. The point in dispute relates to the use of the whip; and I really think the same sense is conveyed in both passages.

My hon. and learned friend, after having dwelt at some length upon this pamphlet, adverted to the work of Dr. Williamson; but he does not seem to have been more triumphant in this quotation than in the other. Dr. Williamson is a staunch friend to the system of negro slavery; and the hon. member reads a passage to the House, showing that the result of the doctor's observations was highly favourable to the planters of the West Indies. It is not in the least surprising that such passages are to be found in this book, which was quoted expressly as being the work of an adverse witness. But, does my hon. friend mean to say, that the cart-whip is not the main organ of communication between the negro and his owner? Does he mean to deny that it is used to this very day; that it is suspended over the unhappy slaves during the time of their labour; and that it is uninterrupted until they go to their miserable rest at night? But facts have been stated over and over again, on this and on every other part of their case, which must have already produced their effect upon the House—more effect than all the arguments which have ever been urged by the ablest advocate for the abolition of

negro slavery. Were more wanting, I have in my pocket a file of Jamaica gazettes which would furnish them, where is advertised the sale of negroes, together with chattels of various kinds; and where we have lots of cattle, household furniture, and slaves, coupled in the same advertisement.

Then, with respect to property; it is absurd to talk of it. The evidence of these unhappy beings is never taken; and what means have they, therefore, of defending their property, when it is the acknowledged law of the country that the testimony of the slave cannot be taken in a court of justice. Upon no consideration whatever is it admitted. And here let me observe the wide difference between the West-Indian slaves and those in other parts of the world. I confess I was somewhat surprised at the comparison drawn by the right hon. gentleman between the state of these slaves and the state of Roman slavery; for it seems to have been entirely forgotten in this comparison, that there is this great and obvious distinction, that the Roman slave was never excluded from giving testimony in a court of justice. I think I may state this in the most unqualified manner. In our colonies, however, the slaves are wholly excluded from giving such testimony. I did not rise to enter into any detail on this question, but rather to express my pleasure that this subject is now in the hands of ministers. I hope that they will keep a watchful eye over the colonial legislatures. But I must say, that if the right hon. gentleman places much confidence in their exertions, I fear he will be most grievously disappointed.

Mr. Marryat said:—It is far from my wish, Sir, to detain the House; but I am anxious to correct a mistake into which the hon. member opposite has fallen. I understood the hon. member for Hull to say, that the evidence of negro slaves is wholly excluded from courts of justice in the West Indies. Now, I feel it my duty to set him and the House right upon this point. In how many other islands the testimony of slaves is admitted I know not; but this I well know, that no longer ago than 1818, a law passed in the island of Dominica, making the evidence of slaves admissible; and I am happy to state further, that this law has been taken into consideration by the committee of West-India planters and merchants in this metropolis; and they having found that no



inconvenience has arisen from that experiment in Dominica, I have every reason to believe, that, under their recommendation, a similar law will be introduced in every other of the West-India islands.

The hon. member for Norwich asked the House if any thing had been done in consequence of the addresses presented to the throne seven years ago, pressing strongly for an improvement in the condition of the slaves in the West Indies? To this question I will answer in the affirmative; and I will produce official documents in proof of this assertion. It is somewhat extraordinary that the hon. member for Norwich has never read the reports which were made by the different governors, giving an account of the state of the slaves in the islands over which they preside, in answer to the addresses in question. In order to put the House and the hon. gentleman in possession of facts with which they seem to be unacquainted, I will read the reports on this subject, extracted from "Further Papers relating to Slaves in the Colonies, ordered to be printed by the House of Commons, 19th June, 1818," which gave the following statements from the different islands:

**Dominica.**—Extract of a letter from governor Maxwell to earl Bathurst.—"The slaves in this island in general appear to be liberally treated and protected; and I think the legislature is inclined to adopt any measure for their amelioration that may be recommended by his majesty's government, or experience may suggest." (p. 112.)

**Honduras.**—Extract of a letter from lieut.-colonel Arthur to lord Bathurst. "With regard to the state of the black population, I have the most heartfelt gratification in assuring your lordship that it is scarcely possible it can be meliorated. So great is the kindness, the liberality, the indulgent care of the wood-cutters towards their negroes, that slavery would scarcely be known to exist in this country was it not for a few unprincipled adventurers in the town of Belize, who exercise authority over their one or two slaves in a manner very different from the great body of the community. The steps which I have taken with one of those characters, as reported in my despatch to your lordship of the 21st ult., will, I have no doubt, be attended with the best effect; and I turn with pleasure from this unpleasant exception, to the general features of the picture, which are so truly excellent.

VOL. IX.

Amidst all our difficulties in other respects, it is quite impossible, my lord, that any thing can surpass the treatment of the slaves, men, women, and children in this country. The system adopted in most other parts of the West Indies, allotting to each slave a patch of ground on which he is to raise food for himself and family, is here quite unknown. As the slaves are most abundantly fed by their proprietors, on the best salted provisions, pork generally, at the rate of five pounds per week for each man, with yam, plantains, rice, salt, flour, and tobacco. Every slave has a Moschetta pavilion blanket, and shirt found him; also two suits of Osnaburgh annually. The men and lads work on account of their own five days in the week; for the Saturday labour they are entitled, by usage which has become a law, to half a dollar; and the Sunday is entirely their own. The women are only employed in domestic purposes, and, if they have young children, no work whatever is required from them by their masters. In fact, my lord, although I came to the West Indies thirty years ago a perfect Wilberforce as to slavery, I must now confess, that I have in no part of the world seen the labouring class of people possess any thing like the comforts and advantages of the Slave population of Honduras." (pp. 115, 116.)

**St. Christopher's, Nevis, Montserrat, Tortola.**—Extract of a letter from governor Probin.—"The slaves in general appear to be contented and happy." (p. 117.)

**St. Lucia.**—Extract of a letter from major-general Douglas.—"The effects of the abolition of the slave trade are certainly favourable to the condition of the black population; inasmuch as it is no more than ever the interest of every proprietor to preserve the health of his slave, and particularly to cherish the rising generation, which was formerly very much neglected upon the sordid principle that it was cheaper to buy slaves than to rear them. In general, the treatment of the class of the population is just and kind, but there are many instances of the reverse, according to the disposition of the owner, and some of very great cruelty, but these, I am happy to say, are not numerous." (p. 124.)

**Tobago.**—Extract of a letter from Major President Campbell.—"I beg leave to inclose your lordship the Report from the Committee to the Council and Assembly, which was unanimously approved of, upon

Y



the present situation of this colony; and I do most firmly believe the whole to be true. The eleventh clause points out the situation of the negroes." (p. 126.)—Eleventh clause. "Your committee refers with confidence to the personal knowledge of every member of the two branches of the legislature, and of his honour the president, to bear testimony to the fact of the improvements which within these few years have taken place in the comforts and manners of the negroes. In confirmation thereof, your committee refers to the public documents of the colony, to show how the annual reduction in numbers is now so much less than it used to be, that we may confidently hope, that, instead of an annual reduction, we shall speedily obtain an annual increase. To the diffusion and increase of property among the negroes (generally evinced in their houses, their grounds, their dress, and their food), the diminished practice of obeah, the infrequency of punishment, and the total relinquishment of all night-work upon the estates, your committee believe that as much gradual improvement has been made, as the nature of our Black population (a great portion of it yet consisting of imported Africans) admits of. Other matters of amelioration of the condition of the negroes are in gradual advancement upon many of the estates, and will become general: but if any thing could more effectually prevent their beneficial attainment, it will be the attempt at direction, in these matters, of the African Institution, at once disgusting the master, and alarming him for the security of his property; and, by rendering him discontented with his situation, alienating the slave from all sentiments of respect and affection to his master." (p. 130.)

Jamaica.—Extract of a letter from his grace the duke of Manchester.—"I really believe there is a strong desire felt to consult the comfort of the slaves as much as possible; and if this object does not advance so rapidly as could be wished, it proceeds from no disinclination on the part of the proprietors, but from an apprehension of the consequences of too sudden a change in the habits and manners of the negroes, and which the events in Barbadoes have a tendency to increase." (p. 270.)

Committee of the House of Assembly of Jamaica, presented the 10th of December, 1817.—"Your committee have also considered the effects which have been

produced by the measures adopted, during the last session, for the improvement of the condition of the slave population: the interval which has since elapsed has been too short to admit of any particular effects having resulted from their operation. Your committee, however, are fully persuaded that the tendency of those measures, and the spirit in which they were adopted, have produced a general effect of great importance, both as it respects the condition of the slaves, and the public tranquillity of the island. The slaves are satisfied that their condition is of sufficient interest to engage the attention of those under whose authority they are placed, and that their comforts and personal security are the objects of protection. In availing themselves of the facility which has been afforded them in making their complaint of any real or supposed grievance, they have observed the attention with which it has been decided. The increase which has taken place, during the last twelve months, in the number of proceedings, both civil and criminal, which have been instituted by or on behalf of slaves, is a fact which, accompanied as it has been by the greatest degree of subordination and good order on their part, may be referred to as the most decisive proof of their well-founded confidence in the justice of those to whom they appeal. This feeling, whilst it operates directly on their present condition, by lessening the possibility of their being exposed to injury without receiving redress, and by rendering them contented with their situation, is calculated to impart to them those principles which will enable them to estimate the benefits, to acquire the habits, and to practise the duties which belong to a more civilized state of society. Your committee attach great importance to this consideration, because it encourages the belief, that a foundation is laid for future measures of progressive improvement. Every view which your committee can take of the present and future condition of the slave population confirms them in their opinion, that the improvement of their religious, moral, and civil state, can only be effected by gradual and progressive measures; and that any experiments which have a tendency to produce a sudden change in their present state, by the introduction of principles which are unknown to, and inconsistent with, the policy of colonial institutions, and the habits of the slaves

themselves, would be as fatal to them as dangerous to the security of the island." (p. 271.)

Trinidad.—Extract of a letter from governor sir Ralph Woodford.—"To proprietors of slaves, as to mankind in general, no incentive can be so great as their own interest. It is not in their power now to replace a slave whose physical powers are exhausted by a short service; therefore, the value of a slave of good character is greatly enhanced beyond the value of his ordinary appraisement; and proportionate efforts are made to keep up his natural health and vigour. The comforts of the slaves depend upon themselves and their own industry, and their health upon their own imprudences, or the quantum of work they are required to perform. They can, if they choose, with very little trouble, amass much beyond the wants of the utmost ambition or profligacy; but the idle and drunken (of which there are many) will always be in poverty and in rags. I have frequently known cases of negroes preferring to continue slaves, rather than with ample means to purchase their freedom, or even to accept it. With a humane owner the negro is most happy; and as a slave, and when sick, he always shares the fare of the owner's table." (pp. 275, 276.)

In my opinion, nothing can be more satisfactory than these reports, to show the gradual and continued improvement in the condition of the slaves. These, let it be remembered, are high authorities; and I beg to remark, that they are not the statements of West-India proprietors, but of governors, who, as far as their opinions go, must speak disinterestedly: and least of all are they men liable to be influenced by colonial prejudices. But there is another circumstance connected with these reports, which ought to give them still greater weight with the House; that several of them come from gentlemen who have been, and still are, extremely zealous in support of the cause of the abolition of negro slavery. For instance; governor Maxwell, the governor of Dominica, after having resided at Sierra Leone, obtained his present appointment through the interest, I believe, of the hon. member for Bramber. Colonel Arthur, too, who writes from Honduras, professes that he went out there a perfect Wilberforce as to slavery. Sir Ralph Woodford, the governor of Trinidad, is a correspondent, and a very valuable one,

of the African Institution, and a very honourable mention has been made of his name at one of the anniversary meetings of that society. Do not these official reports refute the calumnies thrown out by some hon. members; and more particularly the assertion, which I was sorry to read in a pamphlet recently published by the hon. member for Bramber, "that the system of slavery in the West Indies is a system of the most unprecedented degradation and unrelenting cruelty?"

The difference between the amendment and the original motion appears to me to be a difference rather in the mode of execution, than in the end we all have in view. As to the preference to be given to the amendment, I think no doubt could be entertained, upon this one plain principle, the conciliation of the White and Black population in the West Indies. An abstract resolution, declaring "that the state of Slavery is repugnant to the principles of the British constitution and the Christian religion, and that it ought to be abolished," was known to emanate from a British House of Commons; it might produce excitement in the minds of the negroes in our colonies. But merely an intention to ameliorate the condition of the black population is better; out, the effect will be very different, and no irritation whatever will be excited in their minds. In the one case, any amelioration in their condition will appear to be the work of this House, forced upon their masters in the West Indies, and will excite a spirit of dissatisfaction; but on the other hand, as in the resolutions of the right hon. secretary of state, measures are proposed to, and adopted by, the colonial legislatures, it will then appear as if they were the effect of the good-will of the masters towards their slaves; and instead of discontent and dissatisfaction, gratitude and contentment will be excited in their minds. For these reasons, I am bound to express my most hearty concurrence in the resolutions proposed by way of amendment, by the right hon. secretary of state.

Mr. Brougham said:—Sir, I am quite sensible that at this late hour of the night it would be unbecoming in me—it would be acting in contradiction to the general sense of the House—were I either to enter into much detail on this important question, or to resist the adoption of the amendment proposed by the right hon. gentleman opposite. But, I confi-

enough to observe the broad and unequivocal contradiction given by these *Gazettes* to this grave statement of the Jamaica Assembly—for it thence appears, that many of the negroes have shown a most pointed desire to change their happy situation. In a single page of these *Gazettes* there are no less than fifty “Run-a-ways”—persons quitting this enviable situation, not only with a certainty of many privations, but at the risk of all the severe penalties which attach to their crime. But let us look to one of the advertisements: “For sale: 140 head of horned cattle”—I beg pardon of the House; that is not the paragraph I allude to. It is the next column which contains the long list of “Runaways.”—“Cecilia, a young Creole Negro woman.” It has been said that young women are never known to be punished in these realms of negro bliss, where they are so much better off than in their own country, that they ought to bless their stars that they have been taken from it. Such is the kind of language to which our ears have been accustomed on the subject of negro slavery, from the beginning of this controversy to the present day; but it proves a great deal too much, and consequently proves nothing. But facts must always bear down such arguments; and the very papers I have in my hand, while they describe the persons of the fugitives, distinguishing them by their various marks and brands—the badges of the sufferings and the degradations to which these unhappy beings have been exposed—speak volumes on the subject. But to proceed: “Cecilia, a young Creole woman, five feet high, marked (branded!) S. M. and W. S. on top, on right shoulder, belonging to the estate of John Stevens.” Then here is another, who “says he is free, but has no documents to prove his freedom.” Then come several others, described by various maims, and marks on different parts of their bodies. Many have “lost several of their front teeth;” others are described as being marked with letters in a diamond on the shoulders and breasts, and having sores on the arms or legs, and scars on their faces or shoulders, with marks of flogging on their backs. And so they go through all the sores, and marks, and brands, and scars, and traces of the cart-whip, which distinguish these happy individuals, who, though we are told they are so contented, are yet, somehow or other, so insensible

to their own bliss, that they will run away from their kind-hearted, humane masters, by whom we have been told, too, that the whip is now in nearly total disuse!

I cannot but express my great astonishment that the right hon. gentleman should have compared the negro slaves in the West Indies with the Roman domestic slaves, and with other slaves of antiquity. And I am the more surprised, when I reflect on the classical taste and knowledge for which the right hon. gentleman is so remarkable. There are certainly some points in which the condition of the West-India slaves resemble those of antiquity; but, speaking generally, the two states do not admit of a comparison. Will any man say, that in a country where the land was tilled by freemen, as among the ancients, it was possible the same habitual cruelty and severity of exaction could prevail, as in those colonies where men are compelled by the whip, by mere brute force, to cultivate the soil, and where habitual dread of the lash stands engraven on the very front of the system as the sole motive to exertion? Not that I mean to assert that the whip is always used, any more than the whip of a waggoner is always in use; but what I assert is, that the slaves on plantations are worked by placing the men and the women, of various degrees of strength and capacity, in a line, in which they are compelled to toil by the imminent fear of the lash being applied to their backs; and it is applied, as often as their laxity of exertion may seem to render it necessary. Such a system, I say, converts a man into a brute animal. All the noble feelings and energies of our nature, and almost all traces of humanity, are eradicated by this base practice, by which the man is made to work, and act, and move at the will of another, and is thus of necessity reduced to the level of a brute: it is a practice which makes its appeal, not to the qualities which distinguish him from the beasts of the field, but to those which he shares in common with them.

It is said, that efforts have been made to ameliorate the condition of the slave, by giving him religious instruction; and that since this question was last discussed in this House those efforts have been increased. If this be so, it shows at least the benefit of such discussions, since it is now admitted even by those who then so loudly cried out against them. We were then run down by clamour; we were ac-

cused of doing that which would raise a revolt through the whole of the West-Indian Archipelago; and we were loudly and vehemently charged with aiming a deadly blow at the interests both of the black and the white population in the West Indies. There was, it was said, no occasion whatever for our interference; the negroes had kind masters, tender drivers, a zealous clergy, amiable governors, and wise legislators, to superintend, control, and co-operate in works of humanity. But, notwithstanding all we then heard of this machinery of mercy, by our interference with which we might do mischief and could possibly do no good, it now appears that the effect of our discussions has been, that religious instruction has been much more widely spread, and that it is still spreading through the colonies. I am happy indeed to find the prediction of evil so completely falsified.

I observe that there is on the table a paper, and that not the least important on this interesting subject, which has not been referred to by the hon. member for Sandwich. I allude to the letter of a worthy curate, which enters into some details with respect to the religious instruction of the slaves. This worthy person states, with great simplicity, that he had been between twenty and thirty years among the negroes, and that no single instance of conversion to Christianity had taken place during that time—all his efforts to gain new proselytes among the negroes had been in vain. All of a sudden, however, light had broken in upon their darkness so rapidly, that between 5,000 and 6,000 negroes had been baptized in a few days! I confess I was at first much surprised at this statement: I knew not how to comprehend it; but all of a sudden light broke in upon my darkness also. I found that there was a clue to this most surprising story; and that these wonderful conversions were brought about, not by a miracle, as the good man seems himself to have really imagined, and would almost make us believe, but by a premium of a dollar a head paid to this worthy curate for each slave whom he baptized! I understood, too, that the whole amount of the previous religious instruction which each negro received, was neither more nor less than attending, on one occasion, at the church where the curate presided. Such was the mode of propagating religion which seems to have

afforded so much satisfaction, and to have given so much cause for triumph. If any person thinks that any real practical good can result from such an administration of religious instruction and of Christian baptism, let him enjoy his hopes: I cannot agree with him.

What then has been done, let me ask, since the abolition of the Slave-trade, to improve the condition of the slaves? I think I now hear my lamented friend, Samuel Romilly, ask the same question, once did with so much effect. I never shall forget the impression he produced upon those who, like myself, for ten years had been indulging in a fond, vain hope, that the abolition of the Slave-trade was all that was wanted for bettering the condition of the slaves. We have now unhappily survived him between four and five years, and with how much more force might we now put the same question? It was indeed long our hope, if we did but abolish the Slave-trade through the good offices of the Government, slavery would soon be extinguished. I myself gave into the delusion. I said, with others, "Leave measures of internal regulation to the colonial legislatures: only abolish the Slave-trade: it will then be the interest of the master to treat his slaves well, and under the influence of that feeling the condition of the slave must rapidly improve."

How bitterly have we been disappointed in these fond expectations! I believe, however, not to be understood as casting any particular blame on the owners of estates for this failure, for they have perhaps little in their power. We ought to be aware, that the state of landed property in the West-Indies is not in the least analogous to the state of landed property in England, although it has often been erroneously compared to it. The owners of West-Indian estates usually reside in this country, and can have but a feeble control over the course of proceedings in the colonies. In some of them, it is true, they have their estates by inheritance, yet it is not the case with a great number; they have obtained them by speculation, or by debt, or by money on mortgage and consignments. In the West-Indies, therefore, the nature of a speculation, than of a commerce in territorial property, is more



the British landholder. Men in these circumstances, it is obvious, have no permanent interest in the soil. Their object is, to make the most they can in the shortest time; and therefore they will not be deterred by considerations of humanity for the slaves from extracting, during their temporary possession, by means of the uncontrolled power they possess over those wretched beings, the utmost benefit which the estate is capable of yielding.

But even if the owners acted with the best intentions—and many of them I believe do—they are absent, and know nothing of what is actually going on upon their estates. It is an individual who has no real interest in the estate, who is placed as their agent on the spot to superintend the whole concern. Some owners of estates may be very honest, honourable, humane men, who would not work their slaves too much; but what security have we that this will be the case with all, or that many may not even think it their interest to act otherwise? Indeed, I am persuaded that it is not so plainly the pecuniary interest of the slave-owner in all cases to be humane, as some have imagined. The West-India purchaser of an estate may consider himself engaged in a gambling concern, and may hope in a few years to scourge a handsome profit out of the unhappy beings committed to his charge; and he may even flatter himself, that he will clear a greater profit in this way than he would have done had he pursued a different course. His object is to get a great return in a short time; and although, in a long series of years it might be against his interest to over-work his slaves, yet, his object being a rapid return for his capital, he cannot wait the slow progress of improvement in order to attain it. It is very well known, and the simile is far from being a new one, that some post-masters use their horses exactly upon this principle. They might keep their horses longer alive, by making them do less work and by giving them better treatment; but they prefer making them do more work, though it may wear them down sooner, upon a mere calculation of profit and loss. Far be it from me to charge such a sordid calculation as this upon the West-India planters; but what I say is, that the identity of their interests and those of humanity ought not to be so much relied upon: you cannot trust to the former alone in the treatment of the slave, because I have shewn, that views of

interest may be supposed to require treatment, in certain circumstances, wholly different from that which would be dictated by the principles of humanity.

Such being my view of the situation in which master and slave stand to each other, I confess I look with the greatest distrust, with the slenderest possible hope, to any real and solid advantage to be derived from the resolutions moved by the right hon. gentleman, and which refer the matter to the colonial assemblies. Let the House remember, that we have done the same thing twice before; the effect produced by it has been very small indeed; and I greatly fear that we shall only meet with further disappointment if we again resort to the same expedient. Those legislatures may pretend to meet fully the wishes of parliament, and yet may do nothing effectual; and, after five years more have elapsed without any progress having been made, we shall be again called upon, either by events which have happened in the West Indies, or by our own consciences at home, to look into the question in good earnest, when it will brook no further delays; and then we shall have the painful reflection, that if we had acted boldly in the first instance, five years of misery would have been saved to these unhappy beings.

How comes it to pass, I would ask, that no steps have yet been taken towards the amelioration of the condition of the slaves? For how many years has it, for example, been proposed to attach the slave to the soil? The question, I know, has been discussed; but why has no progress been made in consequence of that discussion? It has been said, that there are many difficulties to encounter. Doubtless there are. It would be hard upon the slave, it is argued, to be kept upon a barren soil, an exhausted plantation; but it seems to have been forgotten, that the very exhaustion of the soil, unfitting it for sugar culture, is in the negro's favour. But how comes it, that in the West Indies the richest soils in the world thus undergo exhaustion, while in other countries the poorest soils are subject to no such process, and do not, under ordinary cultivation, deteriorate, but improve? Is it not that a just curse seems, in the dispensation of Providence, to attend the cruel and blood-thirsty method of culture by slaves?—else why would not culture keep the land in the West Indies in the same heart in

which the land in the East Indies or in Europe is kept?

But are we to say, that the slaves shall not be attached to the soil, merely because some possible inconveniences may, in supposable cases, be pointed out as the result? Certainly not. If the argument urged on the score of the poverty of the soil in certain situations were valid, the same might have been said of England, when *villénage in gross* was converted into *villénage regardant*; and copyholders would then have had no existence: there would have been no such thing as a free-man in the land, because, forsooth, a gust of wind might have blown a part of Norfolk into the sea, and then it might have been said, how can subsistence be drawn from the sands of Norfolk: we must retain the power of transferring the villein to richer lands elsewhere. If this sort of argument had been allowed to weigh in former times, we should have been all of us at the present moment *villeins in gross*. I have never heard it said that there is one single plantation in the West Indies so barren that provisions will not grow upon it sufficient for the maintenance of the slaves belonging to it. But I would make a broader and more general answer to the objection, and I would say, that we are bound to act upon the mass of cases, and that one exception is no argument against the general principle.

I cannot close these observations, which I have deemed it incumbent upon me to make to the House, without stating my decided opinion, that we ought not to resist the amendment of the right hon. secretary; because it is at least a step in advance towards emancipation, although I confess I entertain but few hopes of its leading to any sound practical result. It may, however, be ultimately a ground for a stronger expression of the opinion of the House; and I sincerely trust, my hon. friend will in no long time propose to the House some more specific resolution with respect to the freedom of children born after a certain period. Holding that liberty to the slaves in the West Indies must come sooner or later; and being convinced, that, if they are not now ripe for actual emancipation, at least we are arrived at the time when it will be safe to legislate with a view to that consummation; it seems to me to be now the imperative duty of the legislature to pass some act with respect to the freedom of unborn children. We shall be wanting

VOL. IX.

in our duty to that part of our fellow subjects, if we do not immediately announce our intention of taking up that part of the subject. Difficulties, doubtless, will be to be encountered—difficult there are in every change—but are they insurmountable? I trust that no man will be stopped by them, who does not wish to be impeded.

Sir, we hear of the risk of insurrection we have heard of it in every stage of the discussion: from the first moment the question was brought under the consideration of the House, to the present instance the cry has never been out of the mouth of those who oppose all change. But yet our discussions, although declared to be so injurious in theory, have never produced the slightest practical injury. Even the insurrection in Barbadoes, it might easily be shown, had no connection, as was alleged, with the discussions on the Registry bill, but sprung from causes perfectly distinct. This is a sufficient answer to all such chimerical apprehensions. Parliament has certainly not shown any desire to interfere between master and slave; but if steps are not taken by the master to convert his present tenure into one of a more restricted nature, parliament is bound to interfere, by the right which it holds of legislating for all his majesty's subjects. This right, sacred and unalienable, is inherent in the British legislature, and has never been abandoned, excepting as it regards taxation.

Sir, I beg pardon of the House for having troubled it by going at greater length into the subject than I at first intended, but I thought there was a chance of some mistake arising as to the grounds on which we accede to the resolutions now proposed by the right hon. gentleman; and I wish more particularly to guard against being understood as expressing any great hopes of benefit from the present measure, which is little more than a repetition of the former addresses of Parliament to the Crown, and the former references of the Crown to the colonial assemblies, followed by an entire disappointment of every expectation that had been indulged. With these recollections deeply impressed upon my mind, let it not be supposed that I can indulge a sanguine hope of any beneficial practical results from these resolutions.

Mr. Bernal said:—I had thought, Sir, at the commencement of this debate, that to all appearance, we were advancing to—

wards the point of conciliation, and that every subject of irritation would this night have been avoided. But, I would ask, whether the topics my hon. and learned friend below me has advanced, are calculated to lead to the results which I believe he has sincerely at heart? The hon. member for Bristol (Mr. Bright), acted not, I think, with that discretion which he usually displays, in bringing forward, and creating a discussion with respect to the contents of certain pamphlets which he read in part to the House; but I must say, that the hon. and learned member should not, on such account, have opened the attack which he has just made, and that he should have abstained from indulging in such declamation. I would appeal to the House, whether the hon. and learned member (although he has truly pointed out the manifest distinction which exists between the situations of the owner of an estate in the West Indies, and the landed proprietor in England) has not invidiously made an attack upon the West-India proprietors in general; and particularly when he instituted that comparison between the masters of slaves and the owners of post-horses. I would ask my hon. and learned friend, if he can, upon reflection, consider that this was a sally of declamation he ought to have indulged in, if he sincerely wished to prevent irritation?

My hon. and learned friend has asked, what has been done in the way of amelioration or improvement, since the abolition of the slave trade? I am unwilling, at this late hour of the night, to trouble the House by going through a long detail of facts, running over a period of so many years; but I would tell him, that I know much, very much, has been done since the abolition, and particularly in the island of Jamaica. I would ask him, whether he does not remember, that the Consolidated Slave Code, containing upwards of an hundred clauses, underwent, in 1817, a complete revision in the legislature of Jamaica? If my hon. and learned friend should answer, "I know of no laws having been enacted," I can only reply by directly asserting what I have been informed and believe to be the fact, though that assertion may, of course, again be met by replication. If the hon. and learned gentleman should say, that the West-India colonies have not made any new laws, such a statement, I am assured by those who are well informed

on the subject, may be met by a complete denial. My hon. and learned friend, not perhaps in the most fair or candid manner, has referred to some advertisements relating to run-away negroes in the Jamaica Gazettes, and which he has read as it were to excite the attention of the House. Was it, I ask, worthy of the serious cause he advocates? was it worthy of his reputation and talents, upon a question of this vital importance, to aim at directing the attention of the House to these points, and to call down the ridicule, the contempt, the disgust of hon. members, by stating, from these public news-papers, that a young negro girl was branded upon the top of her right shoulder, and other circumstances of the like nature; and from thence to maintain, that negroes were sold in the market like so many horned cattle. My hon. and learned friend has been pleased to comment upon the control to which the negro population is subjected. But, is it our fault as West-India proprietors? Have not the successive governments of the mother country sanctioned it? I would ask my hon. and learned friend, whether he thinks it just or candid to call in the aid of ridicule, by introducing topics which can have no other effect than to cast an unmerited share of odium upon the unfortunate West-India planters, and to excite strong feelings of irritation. Amongst a black and coloured slave population, consisting of nearly 340,000 beings (as I believe may now be the case in Jamaica), there always must be found a number of run-away slaves. The fact cannot be for a moment doubted.

Without detaining the House at any length, I would beg to call its attention, and also that of my hon. and learned friend, to a well-digested Report made in 1816, and drawn up with great labour and talent, by a committee of the House of Assembly of Jamaica. By consulting that excellent Report, it will be found that very few impediments, if any, are thrown in the way of the negro's obtaining justice, who asserts his right or title to freedom, should the same be contested; and it will appear, by a few minutes' inspection of this Report, that the laws do not leave the negro so destitute of protection as may be commonly supposed. A negro asserting his right to freedom, in the island of Jamaica, may bring an action in a court of justice to try and enforce such right; and should he

fail therein, he may institute other proceedings for such purpose. Appeals are also allowed to the negroes, under the laws of Jamaica; and until the appeal be heard and determined, the negro has a right to enjoy his liberty. In this able Report will be found the evidence of the attorney-general of Jamaica, who deposed to the fact that many actions of trespass have been entertained on the part of negroes or coloured persons, for the purpose of asserting their right of freedom, and who by these means recovered, against those opposing such claims, damages to the amount of 250*l.* in some cases. In almost every case where an action of trespass has been brought, or a writ *de homine replegiando* has been sued out, the plaintiffs claiming their rights, have obtained redress.

My hon. and learned friend has also asked, "Why will not the House of Assembly of Jamaica pass a law to attach the negro to the soil?" At this advanced time of the night, it would be unwise for me to enter into a detail of the whole of the reasons which I have understood have actuated that Assembly in not proceeding to frame such an enactment. But my hon. and learned friend, I must say, has made the most unfair comparison between the system of culture pursued with respect to the soil of a northern climate like England, and that followed upon the plantations in a tropical country like the West Indies. The vegetable provisions of the negro, which have been alluded to, are raised upon a soil far different from that on which the sugar cane is grown. They are cultivated upon two distinct soils; and I would remind my hon. and learned friend, if he has looked at the Report to which I have before alluded, that it is particularly mentioned therein, that a fair proportion of estates in Jamaica are coffee plantations. The hon. and learned gentleman does not seem to be aware, in considering the question of attaching the negro to the soil, that the frequent hurricanes which occur in the West Indies, in time, often wash or force away the soil, and particularly upon coffee properties, and that in such cases the plantations are oftentimes afterwards, not worth keeping up. The unfortunate beings then left on the estates, if legally and absolutely attached to the soil, would be compelled to remain, at the risk of starvation. When, therefore, my hon. and learned friend asks

why this is not done—why the negro is not absolutely attached to the soil, I reply, that if I had time, and it were for the danger of exhausting the patience of the House, I could give him most and satisfactory reasons to prove that the Assembly of Jamaica have been justified in pausing before they adopted such plan.

I am very willing to allow to my hon. and learned friend, that there are certainly evils of serious magnitude inherent in the state of slavery in the West Indies, but I would firmly contend (and I think every reasonable man who has thought upon the subject, must be willing to allow) that as the West-India colonists have been placed in the situation in which they now stand, without the direct and sole authority of the legislature of the mother country, and the most express encouragement on the part of the British government; it is only their due, it would only be an act of mere and positive justice towards them, if the legislature should now think proper to take their property into its own hands, and to submit it to a system of management essentially different from that which it has hitherto received; that the legislature of Great Britain should, at the same time, grant to the West-India planters the most liberal, most full, and the most satisfactory compensation. Whatever weight the argument of the hon. member for Weymouth may have had with the House, I still contend, that the slave is the property of the master; and, I say again, that the legislature of this country is bound to give to the planter, the fullest and most adequate remuneration for any deprivation of, or change in, his right of property, and the most complete indemnity against all dangers which may result from its interference therewith.

Mr. Baring said:—Having, Sir, been alluded to by my hon. friend who opened the debate, I cannot avoid stating to the House how strongly I feel the necessity of something being done, and something considerable, on the present question. I feel that it is one of the greatest possible importance and delicacy; but I fear that the hon. gentlemen around me, whose feelings I respect, have been led away by the ardour and fervency of those feelings to exaggerate the real facts, and to understate the many difficulties and dangers which must accompany any alteration in the present system. I am anxious to state



the effect of the proposition of my hon. friend, all this beneficial result of the abolition of the slave-trade immediately ceases. It is a fact too evident to be for a moment disputed, that, if this plan be adopted, the proprietor has at least not the same reason as before, for taking care either of the mother or of the offspring.

I am satisfied, however, that the matter is in the best possible hands to which it could be entrusted; and I will only say, that if any measures are taken for abolishing slavery, either directly or circuitously, they must have the effect of endangering the peace and tranquillity of our colonies. If we were to arrive at a free black population, the inevitable consequence would be, that the whole of the islands would be lost to this country; there would be an end to our colonial system. It would be absurd to suppose that a free black population, so enlightened and cultivated as to value their rights, and duly to appreciate their strength; that a population so instructed and so civilized, would consent to continue to devote their labours to proprietors, the greater portion of whom are resident in England. It is impossible for a moment to suppose such a state of things to exist; or that this country can possibly retain any interest whatever in colonies of this description. The instant such a state of society as I have described is established, we must bid adieu to our colonial system. The colonies would be of no further value to Great Britain.

With regard to the question of compensation, I think that my hon. friend, the member for Bramber, has not acted with his usual candour and liberality, in not having mentioned one word on the subject to those persons who are so deeply interested in this question. It is quite evident, that, in whatever way you proceed, you must vitally affect pecuniary interests. For instance; if you say that children shall be free after a certain period, you convert permanent property into a life estate; you totally alter the nature of that property. When it is considered with what extreme delicacy we touch property in this country, it never can be tolerated for an instant, that a measure so vitally affecting the interests of the West-India proprietors should be unaccompanied by compensation, which would be the greatest possible injustice. When I recollect too—and let it not be forgotten by the House—the strong and able argument raised by my hon. friend,

the member for Weymouth, who introduced this question to the consideration of the House, on the subject of the brewers, to prove to us, that if the measure then before the House (a measure which I, for one, deemed a most important and salutary one) should pass into a law, the vested interests (as my hon. friend termed them) of the brewers would be destroyed, and their property greatly injured—all these interests and this property would be sacrificed, if the beer trade were to be thrown open to the public. Now I cannot forbear contrasting these former sentiments of my hon. friend with his present proceedings in this House. I should be sorry to take an unfair advantage of any argument used by my hon. friend, but I must say, conscientiously, that if there were a measure which I thought more than another could contribute to the health and secure the comfort of the poorer classes, it would be that which my hon. friend so strongly, and with so much ingenuity, opposed, on no other ground than that one class of men would be probably injured, and deprived of a monopoly which I feel satisfied the law never intended to be allowed to them. But of all the cases which have come under the consideration of the House, I think none could call more loudly for compensation, upon every principle of justice, than the one now under discussion. Those who have their interests so intimately involved in this question, have a right to call upon parliament to consider their claim before any material alteration is attempted. I only hope that the subject, so properly left to the care of government, will be treated with the delicacy it deserves.

I must observe, before I sit down, that I trust his majesty's ministers will not be unduly influenced by the petitions on the table, which have, in fact, been got up by a few persons in the metropolis. I know no question upon which petitions have been procured with more trick and management than on the present; or where they have come so notoriously from persons having no means whatever of exercising a judgment upon the question. It is, in fact, considered one more of conscience than of judgment; and persons, according to the fashion of the day, think to quiet their consciences for the year, either by subscribing their money to one of the missionary societies, or their names

to one of these petitions against negro slavery in the West Indies. I am, however, happy to see that such a feeling prevails in this country, and that there are people who are capable of being so actuated by such considerations; it is highly honourable to the national character; but I hope it will not have the effect of setting the machinery of government at work injuriously to the interests either of the public or of individuals. It is the same feeling which put the politics of Europe into an unusual state of ferment, and set the congresses of Vienna and Verona at work; and which every year brings upon the table of the House whole loads of humbug about the slave trade. It seems to me as if these negotiations were kept up merely to gratify the feelings of this country; to show to the people of England how much the great potentates of Europe have the abolition of the slave-trade at their hearts. Austria and Russia, who have, God knows, slaves enough in their own territories to practise emancipation upon, are repeating every year their assurances to the good people of England of their anxiety for the abolition of negro slavery; and, somehow or other, our minister, who attends at these meetings of the European monarchs, is fortunate enough to bring home with him great masses of papers, to prove that these humane and kindhearted emperors take a most lively interest in the question. Undoubtedly I do most sincerely wish well to the efforts of his majesty's government on the present occasion; and I feel great satisfaction that the task has been undertaken by them; and, from the speech of the right hon. secretary, I feel great confidence that the resolutions proposed by him will be acted upon, not only sincerely, but with that judgment and discretion, with that caution and justice and delicacy, which such great and important interests deserve.

Lord Althorpsaid:—I am anxious to address one or two observations to the House upon this important question. I certainly think that the planters of the West Indies have a fair claim upon this House for compensation in the event of the adoption of the plans proposed by the hon. mover. With reference to what has fallen from my hon. friend who spoke last, relative to the cultivation of the colonies by free labour, I differ from him, in supposing that the conversion of the slaves into freemen would be such an immense loss to this country. I, however, look at this

subject with a view chiefly to the interest of the negroes. My hon. friend has circulated the petitions which have been presented in such a mass for the abolition of slavery in the West Indies. Undoubtedly there have been a great number of petitions presented. The feeling of the country seems to be pretty nearly unanimous upon the subject; and I would ask my hon. friend, if he really thinks that the slave-trade itself would have been abolished, if it had not been for the same general expression of the sentiments of the people of this country? It cannot be for a moment disputed, that it was the general feeling of the nation, the general abhorrence of the inhumanity and barbarity of the practice of dealing in human flesh, which produced its abolition.—I wish, however, the emancipation of the slaves to proceed very gradually; because I feel apprehensive, that, if the greatest caution is not used in the application of the remedies, evils of an alarming nature may be the result. With respect, therefore, to the discretion to be exercised by this government in the steps to be taken, I entirely agree with my hon. friend. But on the other hand, when I reflect on the moral degradation to which these unhappy beings are reduced; and when I consider how inconsistent it is with their comfort and their happiness, and how contrary to every principle of justice and humanity, that they should be suffered to remain in that state, when this government has it in its power to ameliorate their condition, the sooner emancipation can be brought about, the more satisfaction shall I feel at its accomplishment.—It has been stated several times this evening, that the condition of the negro in the West Indies is in many respects preferable to that of our labourers in this country; and my hon. friend who spoke last, asserted, that the physical sufferings of the negro have been greatly overrated. The hon. member for Sandwich, too, has stated broadly, and has quoted various documents to prove it, that the slave is perfectly contented and happy. If we look only to the clothing and food allowed to these unfortunate beings, it is enough to convince any reasonable man, without further investigation, of the necessity of an alteration in the present system; and it is idle to the last degree to talk of the happiness and comfort enjoyed by them. But it is said, that some of these happy slaves are so conscious of their bliss, that they have even re-

fused to take advantage of an offer of their liberty, and have preferred to live and die in slavery. If the object were to prove the low state to which, as moral creatures, these beings have been reduced, nothing could be stronger than this single statement. Good God! can it be imagined for a moment, that a man, possessing the least particle of the sympathies and affections of his species, should prefer to doom himself without remorse to slavery for life; that he should doom his children after him, from generation to generation, to be born to live and die in the bonds of slavery; that he should doom for ever his sons to the lash of the slave-driver, and expose his daughters to the will and power of a cruel task-master, who might at pleasure subject them to his wanton lust? If any thing, I say, can raise feelings of indignation and horror in the breast, it must be the knowledge of such a fact as this. But what must be the feelings of a free-born Englishman, enjoying the glorious blessings of freedom, on hearing such a statement as this? The coldest heart could not but be keenly affected by it; and even those who are most interested in the question must sympathize with the general feeling of the country.—I will not trouble the House by going further into this question, but I must express my gratitude to my hon. friend for bringing the subject under the consideration of the House. If nothing more has been done, at least it has had the effect of producing the resolutions of the right hon. secretary, which, I hope, may be considered as one step towards the total emancipation of the negroes in the West Indies.

*Mr. Fowell Buxton* replied as follows:—I had made up my mind, Sir, not to trouble the House with a single observation in reply. I had already trespassed long on your attention; and I was abundantly contented to rest the defence of the statements with which I opened the business, on the powerful speeches of my hon. friends. In this determination I should have persevered, had it not been for the speech of the hon. gentleman who spoke last but one (*Mr. Baring*). That gentleman has charged me with inconsistency—he has accused me of using one sort of language on this question, and another upon subjects where my own interests are concerned. He tells us, that I was sufficiently mindful of the rights of private property, when that property was my own; but that I never even whispered a syllable about

compensation to the West-India planter. Now, I appeal to the House, whether there is justice in the charge. I ask those who listened to my statements, whether I did not clearly and explicitly declare my opinion, that the question of compensation to the planter was one that merited attention. I appeal to the hon. gentleman himself, whether the language I used was not to this effect:—Slavery is an injustice, but it is an injustice sanctioned by our law; the crime is ours, and ours must be the expense of getting rid of it. The hon. gentleman is, then, in error, when he says I never alluded to compensation. But what if I had not? Is there no difference between a vested interest in a house or a tenement, and a vested interest in a human being? No difference between a right to bricks and mortar, and a right to the flesh of man—a right to torture his body and to degrade his mind at your good will and pleasure? There is this difference—the right to the house originates in law, and is reconcilable to justice; the claim (for I will not call it a right) to the man, originated in robbery, and is an outrage upon every principle of justice and every tenet of religion.

The right hon. secretary complains of my language in having referred to the slave-trade. “Why,” he asks, “do you recall the horrors of that odious and abolished practice?” For this plain reason, that your title to a slave is founded on that practice. By the slave-trade you obtained him. Upon that practice, now reprobated, and now by us abolished, your claim is founded. Every reproach uttered against slave-trading impeaches your title to the slave. You say the man is your property. I ask, in reply, how did you obtain that property? And you are driven to the necessity of acknowledging that it was gained by the blackest of crimes—by that act which you now punish as a felony; by that act which the British parliament stigmatized as “contrary to the principles of justice, humanity, and sound policy;” by that act which even the assembled monarchs of Europe (not suspected of too ardent a love of liberty) describe as “desolating Africa, degrading Europe, and afflicting humanity,” and as “repugnant to the principles of humanity and universal morality.”

There is one point in the speech of the hon. member for Sandwich, upon which, as I have risen, I must make a few observations—because it is really the most

matchless exemplification of forgetfulness, the most memorable instance I ever met with of a treacherous memory. The hon. gentleman quoted to us from the papers during the last twenty years printed by this House every sentence and expression which could be construed into a defence of slavery, or an approval of the condition of slaves. One could hardly sufficiently admire the degree of industry which prompted him to search out, or the force of memory which enabled him to repeat, every passage in this voluminous correspondence which favours his view of the subject. Amongst other papers, he refers to the correspondence of colonel Arthur. In 1816, colonel Arthur declares that he came to the West Indies, three years preceding, a perfect Wilberforce as to slavery; but that experience had changed his views, and that he could hardly find terms to express his admiration of the comforts and advantages of the slave population of Honduras. The hon. gentleman triumphantly appeals to these expressions. But in that same volume from which he extracted them, and within a few pages, there is a fact stated by the same colonel Arthur, which speaks still more unequivocally than they do as to the "comforts and advantages of the slave population of Honduras." Now, it is strange that the hon. gentleman, who so accurately recollects the eulogy, should so entirely have forgotten the fact; for the House will perceive, when I state it, that it is a fact calculated to make a pretty strong impression on a memory less powerful than that of the member for Sandwich. The despatch which contains it is from colonel Arthur, dated October 21, 1816, just seventeen days prior to that other despatch in which he lauds the condition of the slaves in that colony, and describes himself as having been metamorphosed from a perfect Wilberforce into—something, no doubt, very superior. I will now read an extract from it. You will find the whole in the papers relative to slaves, ordered to be printed on the 10th June, 1818; the very papers from which the hon. member for Sandwich has drawn his quotations.

"Copy of a Letter from Lieut.-Col. Geo. Arthur to Earl Bathurst; with seven enclosures.—Honduras, 21st October, 1816.—My lord; I have the honour to report to your lordship, that an inhabitant of this settlement, named Michael Carty, embarked by the last vessel which sailed

for England, in order to obtain redress for the oppressive measures which he represents to have been exercised towards him by me. I could not have conceived it possible that this inhuman wretch was so destitute of all sense of shame, as to have taken such public means of promoting his infamy; yet, as he has resolved upon it, I feel it necessary to transmit, for your lordship's information, the accompanying documents respecting him. By these papers your lordship will perceive that this Carty was convicted before a special court, assembled for his trial, and having caused a poor young negro female his property, to be stripped naked, and her hands being tied to her feet with tight cords, a stick was passed under her knees and above the elbow-bend of her arms, a large cattle-chain was fastened round her neck with a padlock, and in this agonizing posture, exposed to the burning heat of the sun, was this wretched female tortured from morning until night; constantly, during that time, flogged with a severe cat by her inhuman master and servant, in the most wanton and barbarous manner: sometimes on her buttocks; at other times, being turned over on the stick, on her face and breasts."

Now, Sir, look at the evidence on which he was thus convicted:

"At a meeting of the Magistrates at the Court House, Belize, River's mouth, in Honduras, Thursday, August 29th, 1816.—Present, Marshall Bennett, Thomas Paslow, and Thomas Frain, esqrs.—J. B. Rabateau came before the magistrates, and stated upon oath as follows:—The day before yesterday I was at Mr. Orgill's, about half past twelve o'clock, and I heard somebody was crawling in Mr. Carty's yard; Mr. Orgill told me it was Mr. Carty that was flogging one of his wenches, and which was the third time that day; I went from the house into Mr. Orgill's yard, with Mr. Orgill and Joseph Belisle, and looked into Mr. Carty's yard, and I saw a girl which Mr. Carty brought from Mrs. Burn's, on the ground; her two hands were tied to her feet, and a stick run under her knees and above the elbow-bend of the arm, and lying on her back perfectly naked, and he, Mr. Carty, was flogging her with a cat; after flogging her some time on her buttocks, he came round and struck her ten or twelve stripes over her breast and face, and after his flogging her thus, he called another woman of his, and made her hold one end of the stick,



and he, Mr. Carty, took hold of the other, and he turned her from lying on her back over her head, when she fell nearly on her face, and then he flogged her again on her buttocks; after this I went away, and some time after returned, when I saw Mr. Carty flog the girl again in the same position and manner as before. I was then in company with Mr. Orgill, Joseph Belisle, Martha Sloasher, Jeremiah Myvett, William Adams, and John M'Gregor, who all saw the same. After this I went away, and about five o'clock returned to Mr. Orgill, and saw the girl fastened in the same position."—"The magistrates and officers of the court then examined the woman Quasheba, who appeared to have been much flogged, and her wrists much cut, apparently from having been tied, and had a large cattle-chain fastened about her neck with a padlock."—"John M'Gregor sworn, deposed as follows:—The other day I had occasion to go into Mr. Carty's shop, with a Spaniard, to see some crockery ware; as I went into the shop, he, Carty, was just coming in from the yard, with a cat in his hand; this was about eleven o'clock. I went away; about four o'clock in the afternoon, I was in Mr. Orgill's yard, and I saw the girl Quasheba tied in Mr. Carty's yard; she was quite naked, and tied with her hands to her legs, and a stick run under the bend of the knees and above the bend of the arms; he was flogging her."—"John Antonia Portall sworn, and John M'Gregor sworn as interpreter:—Deposes, that he saw the girl Quasheba when tied, and saw her being punished by Mr. Carty; that he sent his mate and the boatswain, who could talk English, to beg for the girl; that they went in, and Mr. Carty said he would forgive her, but would put her in chains; and this was about half past four o'clock."

Now, Sir, conceive a young female, her hands tied to her feet, a stick run under her knees and above the elbow-bend of her arm, and a merciless villain flogging her with a cat on the breast, the face, and every part of her body; and, as if insatiable in his barbarity, calling another woman of his, and making her hold one end of the stick, he holding the other, and thus turning her, from lying on her back, over her head, when she fell nearly on her face; and then he flogging her again, in a manner too shocking, too brutal, too indecent, for me to read! One witness saw this at half past twelve o'clock, and in

that position he saw her again at five o'clock. Observe, too, not only the intensity of the punishment, but how often it was repeated. The same witness, Mr. Rabateau, says, that at half past twelve Mr. Carty was flogging his wench for the third time that day. Another witness, M'Gregor, saw her tied in the same manner on the same spot at four, and Carty flogging her. Another witness, J. A. Portall, saw her undergoing this punishment at half past four. At five she is seen, for the last time that day, in the same position. Two days after, the "wench" is brought before the magistrates much flogged, much cut, with "a large cattle-chain fastened about her neck with a padlock."

On Carty's trial all this is proved; and what exemplary infliction awaits him? Let gentlemen consider his guilt, and what measure of punishment they, or any men with feelings unblunted by slavery, would have dealt out to the convicted monster. Hear his sentence in the words of colonel Arthur:—"Convicted of all this load of enormity; with the unfortunate young female before their eyes, lacerated in a manner the recital of which is shocking to humanity; her wounds festered to such a degree that her life was considered in the greatest danger; still this picture of human misery and human depravity could not rouse a Honduras jury to award such a punishment against the offender (whom they found guilty to the utmost extent) as bespoke their commiseration for the former, or their detestation of the latter. Fifty pounds, Jamaica currency, equal to about thirty-five pounds sterling, was the penalty deemed adequate to the crimes of the offender! a man in affluent circumstances, worth thousands of pounds; and the poor female was doomed to remain the slave of this cruel wretch, still more exasperated against her than ever."

I know not whether the act itself is more enormous than the verdict. The act might only speak the cruelty of an individual; the verdict betrays the tenor of feeling towards slaves which prevails among the leading persons in the colony, the magistrates on the bench. Yes, Sir, it tells us, in language which cannot be mistaken, the degree of protection which the laws afford to the negro, and the equal-handed justice which is dealt out between the slave and the master. Aye, and what a comment is it upon "the enjoyments and advantages of the slave po-

pulation of Honduras, a race of people truly to be envied by free labourers all over the world!" O wretched peasantry of England! How would you mourn your fate, if you knew the comforts of which you are debarred—the indulgencies, denied indeed to you, but dealt out so liberally to the contented African in that terrestrial Paradise for slaves, Honduras!

The hon. member for Taunton has said, that the negroes may complain of their lot, as the poor of this country may complain that they are not feasted on champagne and venison—a most blind and extravagant comparison! Had this female nothing else to complain of but that she was denied the luxuries of life? She might complain, and, in the name of thousands of these poor negroes, I complain that she and they are denied the common rights of human nature, and that they are mercilessly lashed and tortured at the will of their brutal masters. Let no man imagine that this case of Carty is one of isolated cruelty: there stand upon record multitudes of cases of a description equally horrible. I did not choose, though accused of doing so, to appeal to the feelings of the House and the public: I determined to address their reason. I rested my case upon the moral degradation of the negroes. But let the hon. member for Sandwich, or the hon. member for Taunton, who has, he tells us, seen slavery, and who, seeing, has learned to admire it—who is quite captivated with the felicity of these negroes, admitted by himself to be in the lowest state of moral degradation—let either of these gentlemen but hint a wish for a statement of particular and individual atrocities, and I am prepared with cases, authenticated by unquestionable evidence, which will shock and exasperate every honest man in the country.

Before I quit Carty's case, one word on the character of colonel Arthur. It grieves me, Sir, that I am under the necessity; that I am bound, by the fidelity I owe to the cause I have undertaken, thus to comment upon the expressions he has used. I owe it to his general reputation to say he has made ample atonement for that idle language. For the last six years he has been a generous and brave defender of the slaves. I believe that there does not exist a man who has done more for that wretched race, and who has suffered more persecution in consequence of his exertions; and I am grossly misin-

formed if he does not now, with further experience, bitterly repent of the error into which he was betrayed. I am content to be deemed an enthusiast, if colonel Arthur be one who now considers the negroes as any other than a most wretched and persecuted race.

The hon. member for Taunton has complained most loudly of my having stated that there is no danger to be apprehended in the West Indies. Give me leave to say, the hon. gentleman is as inaccurate in this as in his former assertion; for I stated that I expected nothing else but danger in the West Indies. I said, if I recollect right, that wherever there is slavery there is oppression. I told you that if you wanted to be safe you must be just; that the price you pay for your injustice is your insecurity. I know there is danger. Danger! why? because the few inflict, and the multitude suffer, gross injustice. But I confess it does appear to me to be the most extraordinary of all arguments, to contend that the danger arises not from slavery itself, but from the discussion of slavery in this House. What, then, does the slave require any hint from us that he is a slave, and that slavery is of all conditions the most miserable? Why, Sir, he hears this; he sees it; he feels it too, in all around him. He sees his harsh uncompensated labour; he hears the crack of the whip; he feels, he writhes, under the lash. Does not this betray the secret? This is no flattery; these are counsellors which feelingly persuade him what he is. He sees the mother of his children stripped naked before the gang of male negroes and flogged unmercifully; he sees his children sent to market to be sold at the best price they will fetch; he sees in himself, not a man, but a thing; by West Indian law, a chattel, an implement of husbandry, a machine to produce sugar, a beast of burden! And, will any man tell me that the negro, with all this staring him in the face, flashing in his eyes whether he rises in the morning or goes to bed at night, never dreams that there is injustice in such treatment, till he seats himself down to the perusal of an English newspaper, and there, to his astonishment, discovers that there are enthusiasts in England, who from the bottom of their hearts deplore, and, even more than deplore, abhor all negro slavery? There are such enthusiasts; I am one of them; and while we breathe we will never abandon the cause, till that thing, that chattel, is reinstated in all the privileges of man.

I beg pardon of the House for having trespassed so long upon its patience, but I can assure hon. members, that I should certainly not have troubled them at such length, had it not been for the observations of the hon. gentleman. Before, however, I conclude, I wish it to be clearly understood what is the point at which we are now arrived. If I understood the right hon. secretary rightly, the strong impression of his mind is, that the cart-whip may be wholly dispensed with—that females ought not to be flogged; that Sunday should be considered as the property of the slave, a day of rest and recreation—and that the slave shall have a legal title to property. I understand the right hon. gentleman also to have said, that he was doubtful as to the admission of negro evidence in all cases; but that he was satisfied that the impediments to manumission should be removed, and that he is willing that the practice of *venditioni exponas* should be abolished. There, however, still remains one point, which has not yet been touched upon by the right hon. gentleman—I mean, allowing the slave to purchase out his freedom by a day at a time—a practice recommended not only by high authority, but also by its obvious justice.

There is still one other point, upon which I confess I did not receive quite the same satisfaction as I received upon the other propositions I submitted to the consideration of the House—I mean, with respect to the freedom of children born after a certain period. What I understood the right hon. gentleman to say upon this point was this: “If the hon. gentleman asks me the question whether the day shall never arrive on which children shall be free, I would answer peremptorily no.” Now, I am anxious before the close of this debate, to receive an explanation upon this most important point.

Mr. Canning.—I wish to make myself intelligible to the hon. gentleman and the House. If I am asked, whether I can maintain the proposition that the progeny of slaves must be eternally slaves—the hon. gentleman must feel that I am not at liberty to throw out a hasty opinion upon that, I readily admit, most important question; but my opinion certainly is, that the time must come when that object must be attained. I cannot now, however, state a distinct opinion further than this, that the progeny of slaves must not be eternally slaves.

Mr. F. Buxton said—Then I am to understand that the day will arrive after which every negro child born shall be free. That being settled, my next question is, when will that day arrive?

Mr. Canning.—I say I abjure the principle of perpetual slavery; but I am not prepared now to state in what way I would set about the accomplishment of the object. I abjure the principle, but I am not now prepared to give my opinion upon the question, because my mind is not yet made up, and I am unwilling to say any thing to night which may reduce me hereafter to the necessity of qualifying any statement I may make.

Mr. F. Buxton.—I am fully satisfied with the answer the right hon. gentleman has been kind enough to give to my questions, and I feel obliged to him for the very candid and decisive manner in which he has expressed himself. I now beg leave to withdraw my motion; but I wish it to be distinctly understood, that, in case a difference of opinion arises between the government and myself, I shall reserve to myself the liberty of bringing the matter forward on a future occasion.

The original resolution was then withdrawn. The Speaker next put the question upon Mr. Canning's Amendment, which was carried *nem. con.* and it was ordered, “That the said Resolution be laid before His Majesty by such members of this House as are of His Majesty's most honourable Privy Council.”

## HOUSE OF COMMONS.

Friday, May 16.

CONDUCT OF CHIEF BARON O'GRADY.] Mr. Wynn brought up the Report of the Select Committee on the Report of the Commissioners appointed to inquire into the Conduct of the Chief Baron of the Irish Exchequer.

Mr. Spring Rice said, he had, two years ago, submitted to the House a motion on this subject. The proposition he had then brought forward was, that the papers on the table of the House contained grave charges against the high law officer alluded to. Those papers were referred to a committee, who had affirmed his proposition; and the labours of the committee which had recently examined the subject had terminated in the same result. He hoped the report would be seriously examined by the House and by the members of his majesty's government, and

that such steps would be taken as the justice of the case might require.

Mr. Secretary *Canning* observed, that if, by what the hon. gentleman had said, he meant to affirm this proposition, that when a member of the House of Commons made a charge against an individual, which charge was afterwards made good, he was at liberty to abandon it, and that it must then be taken up by the executive government, he asserted that which was neither parliamentary in practice nor in principle. He had never heard, when Mr. Burke had made his charge against Warren Hastings, that he had brought it to throw the ulterior proceedings on the executive government. He had never heard it argued, when Mr. Whitbread succeeded in his charge against lord Melville, that he had done all which he had a right to do, and that it was for his majesty's ministers to follow up the proceedings. If the case before the House was that of a removable officer, then he perfectly admitted that, as members of the executive government, not as members of the House of Commons, ministers would be bound to deal with that removable officer. But certainly it was not for them to proceed with charges which honourable members had originated, and pushed to a certain extent. There were two ways of proceeding in cases like the present—by an address of that House, or by impeachment; and he thought that either mode was better in any other hands than in those of ministers. He would tell the hon. member, therefore, distinctly, that in this case he certainly would not move a step; and he would advise none of his hon. colleagues to do so. If the hon. member would not come forward, he must reconcile himself to the circumstance in the best manner he could.

Sir *J. Newport* contended, that, as these proceedings grew out of the investigation of a commission appointed by the Crown, in consequence of an address of that House, his majesty's minister sought now to take the business up. His hon. friend had sufficiently shown that he did not shrink from responsibility, since he had originally moved for a committee. A second committee had now reported; and both of them bore him out in the charges he had made.

Mr. *Wynn* said, there was not a single instance in which the executive government, as such, had been called on to originate criminal proceedings. No case

could be imagined that would excite more opposition. An individual would complain, that it was a party proceeding, and that the whole weight of government had been brought to bear on him, for the purpose of subverting justice. But this was not the first time when an individual member proceeded on charges which originated in a parliamentary commission. The case of lord Melville was exactly in point. A commission was appointed to inquire into the state of certain offices, and their report disclosed matter of charge against lord Melville, which ended in impeachment. In his opinion, proceedings of this nature had always better be placed in the hands of individual members. It was most desirable in this case, that all appearance of party feeling should be avoided, and if his majesty's government took up the business, perhaps it would be treated by gentlemen opposite, as a party question.

Mr. *Abercromby* said, that in this case a commission had emanated from the Crown, which had for its object to protect the administration of justice. That commission had discovered certain things which had a direct tendency to pervert justice, in the proceedings of a learned judge. Charges had been exhibited against him, and those charges had been affirmed by two different committees. The question then was, by whom were the further proceedings to be carried on? The right hon. president of the Board of Control said, "If this business is taken up by government, it will be viewed by the gentlemen on the other side of the House as a party question." Now, that was his (Mr. A.'s) case. He thought it unfair, that the individual accused should be supported by the weight of government, and that only the opposition should be left to oppose him; because, although the right hon. secretary had stated that government would take no part in the business, yet every man's experience must tell him, that even when such a declaration was made, the influence of government was likely to operate against a particular party.

Mr. Secretary *Canning* positively denied this. He declared, upon his honour, that he knew nothing of the individual, or of the facts of the case; and he also declared upon his honour, that if the hon. accuser determined to proceed, he would diligently attend and give the inquiry a fair and impartial hearing. But he could not



allow the *onus* of such a proceeding to be thrown on his majesty's government.

Mr. *Wynn* called on the hon. member for Limerick to say, whether he had shrunk from his duty in the committee, or had evinced any unfair or improper bias. The learned member for Calne would have known this if he had not absented himself from the committee: any accusation of neglect of duty came with a very bad grace from that learned gentleman.

Mr. *S. Rice* said, that the right hon. gentleman's attention had been zealous and uniform, and had only been equalled by the candour which he had displayed. In answer to what had fallen from the right hon. secretary, he must observe, that making a charge was one thing; but when that charge was confirmed, the prosecution of the case was another. He never did nor would shrink from his duty, however painful; but he must enter his protest against the fairness of casting a proceeding like this on an individual.

Mr. *Abercromby* said, he had cast no reflection on the right hon. president of the Board of Control. What he had said he had used as a general argument. He had, however, heard one thing which he did not expect; namely, that the right hon. secretary was a favourer of this proceeding, provided it was in the hands of an individual.

Mr. *Canning* disclaimed being a favourer of this proceeding. He felt neither favour, affection, nor partiality of any kind respecting it.

Mr. *Denman* described the proceedings which had taken place under the commission of inquiry, and asked whether, after a report was laid upon the table respecting them, the business could stop there. And yet, before that report was read, before its contents could be appreciated, the right hon. secretary volunteered a declaration, that government would institute no ulterior proceedings thereupon. Suppose it should prove a case of an officer of high judicial rank acting in a manner utterly derogatory from his station and dignity, were they to be told that government would not then take some step in the business, and that it must drop, unless some private member undertook the ulterior course, of moving for parliamentary impeachment?

Mr. Secretary *Peel* said, that he understood the hon. member for Limerick entertained doubts himself of the pro-

priety of calling for a parliamentary impeachment. Why, then, should he call upon the government to take it up. There was no inconsistency whatever between what his right hon. friend had said, and what had been done by his noble and lamented friend, lord Londonderry. When his noble friend gave the assistance alluded to, it was merely to clear away some obstructions which then impeded the inquiry; but he still left the whole matter in the hands of the hon. gentleman who had originated it. It would be a most dangerous principle to establish, that the government were bound to take up any matter which went to criminate a public officer, instead of leaving it in the hands of the person who had instituted the inquiry. He could not at all assent to the distinction attempted to be taken between the two commissions.

Mr. *S. Rice* denied that any change had taken place in his opinion upon the subject, or that he thought the case in the least less clear than he did on the first day of his mentioning it. Directly the reverse was the fact; and it was on that ground that he considered it the duty of those who were bound to watch over the administration of justice, to take steps to vindicate the purity of that administration on the present occasion.

Mr. *Peel* said, he was really ignorant of the merits of the case; for, owing to the part which his duty had compelled him to take in Ireland, respecting an office held by the chief baron's son, he had, from delicacy, absented himself from the committee which sat to make this inquiry.

Mr. *R. Smith* entertained a notion, that there might be a mode of obtaining the ends of justice in this case by another form of proceeding. The chief baron of the Exchequer, like all the other judges, held his office, *quandiu se bene gesserit*, which showed that he might lose his office if *se male gesserit*. The dismissal, however, must be founded on an address from both Houses. Our annals presented no instance of such a proceeding with regard to a judge. On reference, however, to Croke's Reports, it appeared that, on the 11th November, 1630, John Walter, knight, chief baron of the Exchequer, who had fallen under the displeasure of Charles 1st, but who was a man of great learning and courage, declared that he would not resign unless a writ of *scire facias* was issued, to show the cause of his removal. Now, he strongly

recommended the nature of this writ of *scire facias* to be inquired into, as it might possibly assist in settling the mode of proceeding, should any ultimate step be deemed necessary.

Mr. *Wetherell* entertained doubts, whether the act of the late king respecting the judges, did not virtually repeal all previous powers which the Crown might have possessed over judicial offices. With respect to the call upon government to institute an impeachment, he thought it most unconstitutional. He was glad that the right hon. secretary had discountenanced it; for if there was any case in which the House ought to be considered as dispersed into individuality, it was that of impeachment, where every member had the right to exercise his judgment firmly and singly. He meant to pronounce no opinion upon the merits of this case.

Mr. *Hume* was astonished at the doctrine of the right hon. secretary, that government ought never to be called upon to proceed against individuals charged with crime. Suppose a judge were reported by a commission to have acted corruptly, and suppose that report were substantiated, and nevertheless no member was disposed to bring it forward, was it not the duty of government to consider what ought to be done? Was such an individual to remain in the seat of justice with such a charge hanging over his character? It would be monstrous to affirm such a proposition.

Dr. *Lushington* maintained, that if any judge or other officer were proved guilty of peculation and abuse, and his majesty's government had the means of bringing him to justice, they ought to do so. He could not make up his mind, however, to say that government ought to originate a proceeding in parliament; because, undoubtedly, that would be calculated to produce a bias on the minds of honourable members. With respect to the affair under present consideration, it was evident that it could not rest where it was. Under all the circumstances of the case, he thought it the duty of his hon. friend to bring the subject under discussion, and to leave the House to dispose of it at their own discretion. When it was considered what must be the general feeling, when an officer of so high a rank as the chief baron of the Exchequer had a suspicion thrown on his character, and how injurious such a state of things must be to

justice, it would be clear that some proceeding or other must take place.

Mr. *Canning* begged to repeat, that at which he had said went upon the assumption, that a parliamentary impeachment was expected on the part of the government. With respect to the process by a writ of *scire facias*, he would leave the question to be inquired into by more competent persons than he was; but he confessed, if such a course were open, it would completely alter the view which he had been taught to entertain of the independence of the judicial character.

The report was ordered to be printed.

IRISH TITHES COMPOSITION BILL.]  
On the order of the day for going into a committee on this bill,

Mr. *Vesey Fitzgerald* said, he was anxious to take the earliest opportunity of recording his opinions upon this question, which, looking to the interests concerned in it, yielded not in importance to any which had been discussed within the walls of that House. He wished, before the House went into a committee, to point out the view which he took of the measure, and the consequences which were likely to result from the proposed alteration. It was admitted, on all hands, that in every proposal for a commutation of tithes, it was held that the clergyman was strictly entitled to a fair equivalent. Now, he contended, that the proposed bill would have the effect of aggravating the evils which existed in Ireland. It would not relieve the distresses of the people, but would, on the contrary, augment the revenues of the clergy: It would give the clergy a right to claim an equivalent — not for what they now enjoyed, for to that he should not object — but an equivalent for tithes which had never been enforced, and which, if they ever existed, had lain dormant for a great length of time. The bill contained one clause of so objectionable a nature, that he considered it necessary to call the attention of the House particularly to it. In page 13, it was enacted, "That it shall be lawful for any umpire so to be appointed as aforesaid, and such umpire is hereby authorized and required to ascertain and fix the amount of the yearly sum of money to be paid as a composition for and in satisfaction of all tithes payable in such parish," &c. &c.

Now, one objection to this clause was,

that in two-thirds of Ireland it would be impossible to carry it into execution. There were, for instance, numerous parishes in which it would be impossible to appoint select vestries. This, however, was not his great objection. For there was a clause which gave to the incumbent an opportunity of claiming tithes which had never been paid before, and which, in many instances, had not been previously heard of. He implored the House to pause before they adopted a clause fraught with evils such as this. The right hon. member went on to point out the discontent and irritation caused in many parts of Ireland by the enforcement of the tithe on potatoes, and also in some cases upon hay. The tithe upon potatoes was one which, for the most part, operated upon the very lowest classes of the peasantry, and was by them most grievously felt. Adverting again to this objectionable clause, he would put it to the House, whether they would give to a commissioner, to be appointed by the lord lieutenant, a power of valuing tithes (no matter how claimed), without reference to the receipts of the incumbent? In opposing this clause it was not his wish to injure the clergy; on the contrary, he wished to support them, but he thought the best mode of doing so was by a moderate enforcement of their rights. He was decidedly of opinion, that it would be most expedient to allow the tithe to be settled between the landlord and the clergyman, leaving the tenant to make good his share in the shape of rent. Instead of the present bill, he would wish to see a commission issued, stamped with the weight of parliament, the first object of which should be an inquiry into the value of the livings of Ireland. On a question of so much importance, parliament ought to be satisfied that they proceeded on the principles of general justice. Should they be at length obliged to legislate to the discontent of some of the parties interested, they ought to be at least satisfied that they embraced a statesman-like proceeding, instead of a parochial one, such as was contemplated by the present bill. This was the first time they had been called upon to deal with the rights of the established church of Ireland. The bill, should it pass into a law, would be final and conclusive. They ought therefore narrowly to examine into the principles of the measure, which, he contended, were highly objectionable.

Mr. Goulburn said, 'it was with feelings of deep regret that he found himself opposed upon this subject to his right hon. friend; but when he heard him declare, that in his opinion this bill was unjust in its principle, that it would be oppressive in its operation, and that it would augment, instead of diminishing the discontents and disturbances which now prevailed in Ireland, however he might regret a difference on any point with his right hon. friend, yet he had too great a regard for the honour and character of his right hon. friend, to entertain a wish or an expectation that, viewing the subject in this light, he should permit any considerations of personal regard to himself to prevent him from stating his sentiments to that House, with all the power and authority which belonged to his statements. On the other hand, he was sure that, however unfavourably his right hon. friend might think of this bill, he would do him (Mr. G.) the justice to believe, that nothing but a sincere conviction that it was calculated to remove at least a part of the evils complained of, and to produce a beneficial effect in Ireland could have induced him to propose it to the House. During the period that he had filled the office of chief secretary, he had often been called upon to state the opinions and views of the government with respect to a commutation of tithes. He had for some time forborne to answer these calls, or to indulge any expression of opinion favourable to such a measure, because he did not think it consistent with his duty, though it might have been easy and popular, to raise an expectation which he might not have the means of gratifying. Enough had fallen from his right hon. friend, to shew that, if the Irish government were disposed to court popularity, if they were willing to consult their own ease at the expense of what they considered their duty, they might at once accomplish their objects, by abandoning that part of the bill which it now seemed was objectionable both to the country gentlemen and to the clergy of Ireland. To himself no course could be more agreeable than that which should save him from the attacks with which he was menaced from both of these parties, and should also relieve him from a more immediate evil, the opposition of his right hon. friend. But, in the conduct of this measure, and of all other measures that had been confided to him, involving great

rights, both of a public and a private nature, he had felt it to be a paramount duty to look to other objects besides popularity. Upon every occasion when the subject had been under discussion, he had endeavoured to impress upon the House a sense of the difficulties with which it was surrounded. It was easy for those who had not thoroughly considered the subject to talk of getting rid at once of the evils of the tithe system, by giving a settled annuity as an equivalent to the clergy; but he had always stated, that whenever the subject came to be deeply examined, and when the intricacy of it was fairly presented to the mind, let the proposition come from whom it would, it would be found to excite, on both sides of the House, objections without end. He therefore never entertained the idle hope, still less did he ever hold out the expectation, that he himself should be able to suggest a measure that would be free from objection. All that he proposed to do was, to submit one which appeared to him superior to the plans that had hitherto been suggested, and which was calculated in a great degree to remove the evils which were the subject of complaint. He called upon the House therefore not to condemn this measure because it was not without defect, but rather to entertain it as one that was as little objectionable as any that could have been produced, not as one which was essentially perfect, but as one which was capable of being altered and amended in the committee, so as to render it useful and advantageous. He should, perhaps, have been excused by the House, if, in answer to his right hon. friend, he had taken that opportunity of going into detail upon the several provisions of the bill; but as he perceived, notwithstanding what had fallen from his right hon. friend, that there was a willingness on the part of the House to give the bill a fair consideration in a committee, he thought he should best consult their feelings, if he confined himself at present to a statement of the principle of the bill, and of the amendments which he should propose when it reached the committee. The House must bear in mind, that the great leading object of the bill, was to remove or alleviate certain evils which were universally acknowledged to be connected with the tithe system as existing in Ireland, the

nature and extent of which he would only incidentally allude to. The collection of tithes in Ireland was, in every respect distinct from that which prevailed in England. In the former it presented difficulties almost insuperable; in the latter it was attended with little, if any inconvenience. And why? Because tithes in the two countries were collected from very different classes of the community. In England the tithes were paid by the middling and higher classes by those who had a considerable, or at least some, capital employed in agriculture; in Ireland they were paid by the very lowest of the peasantry, and almost by them alone. This very circumstance created almost all the difficulty which was connected with the tithe system in Ireland. It necessarily brought the clergyman into hostile contact with the lowest part of the community: it placed him in the painful situation, either of abandoning the greater part of his income, or of getting into a course of litigation with the greater number of his parishioners; for it was obvious, that where the income of a clergyman was derived from numerous payments, each of which did not exceed a few shillings, he was compelled either to enforce the payment of those sums from the poor, or to give up his income altogether. This was generally the case in the southern and western parts of Ireland. He had, upon former occasions, stated examples of this kind to the House. He had mentioned a parish in which, out of 2,000 persons who paid tithes, 1,200 paid less than a pound; and he could name cases without end of the same description. But the evil was not only that the clergyman had to demand from a pauper a fixed sum beyond his means to pay; the clergyman, in order to ascertain this sum, must have a dispute with his poor parishioner, and the subject of dispute was the value of the crop which his garden produced. In Ireland the poor are all occupiers of the land. The law required them to set out the tithe before the crop was removed. They could not comply with the law; their necessities frequently compelled them to make a premature use of the crop, for the purpose of immediate sustenance. Having done so, it became impossible to ascertain its value. They were under the necessity of submitting to the mode of valuation which the clergyman, in his own defence, was



obliged to adopt, and the necessary consequence was, continual disputes. In many instances, the tenant resisted a just demand, and in order to defeat it had recourse to violence and outrage. But this was unfortunately not the only evil of the system; a practice had grown up of giving credit for the tithes, of taking notes of hand for the amount, and, as the man who could not pay at the time had no capital, and had little chance of paying at a distant period, these notes were generally notices of future litigation. He did not state these circumstances with a view of throwing blame either upon the clergyman or upon the peasant; the evil was inherent in the system, and to the system the remedy must be applied. —Having stated the evils, he would ask any gentleman to look at the bill, and see whether, if it were fairly carried into effect, it would not effect a remedy? What was its admitted principle? To prevent the taking of tithe in kind; and, with the tithe in kind must end the vexatious litigation which it occasioned. In order to fix a fair equivalent for tithes, he had proposed a voluntary agreement between the party who paid and the party who received them; nor could he conceive a fairer principle of adjustment. His right hon. friend said, that this plan would not operate; that it would be impossible in many parishes to nominate a commissioner. He was fully aware of the difficulty which existed in Ireland, of effecting any object through the medium of what might be called local administration. There was, unfortunately, in that country, an indisposition, an inaptitude, on the part of the lower orders, to perform duties which the corresponding classes in England willingly and ably executed, and which afforded such facilities and advantages to government. But, were we therefore to say that no attempts ought to be made to introduce a better system, and to induce the lower orders of the people to place some reliance on themselves? It was in vain to cry out that the thing was impossible. It became so, unless an experiment were tried. He had made the attempt in the present bill; because he thought that persons might, in this case, be induced, by feelings of interest, to lend their assistance, and therefore it seemed to present a most favourable opportunity for trying the experiment. He was aware that as the bill actually stood it would

be impossible, in many cases, to get a vestry. The qualification for a vestryman was rated too high. A great number of cases might be produced where no individual paid tithes to the amount even of a pound. But, was this a defect which could not be remedied in a committee, or which required members to oppose the Speaker's leaving the chair? He was himself prepared to propose an amendment in the committee, which would meet the objection; namely, that those should be qualified as vestrymen, who paid the highest amount of tithes in a parish. But he begged, once for all, to assure the House, that he was not so much attached to his own amendments, as not to be ready to listen to suggestions from any quarter that might tend to make the bill more efficient for its object. If it should be shown, that the mode of proceeding by vestries could not be accomplished, he should be most willing to attend to any other plan that might appear better calculated to attain the object. All that he wished to obtain, was a voluntary agreement between the parties, and to this his right hon. friend did not object: his principal objection was directed against the compulsory clause, which clause was only introduced into the bill as assisting the voluntary arrangement, and imposing upon all parties an obligation to concede it fairly. In that clause he had, as was truly stated, adopted a different principle of valuation from that laid down in other parts of the bill, and for a very simple reason. In all the discussions which had taken place, he had never failed to lay it down as a principle, that tithe property, whether in the hands of a clergyman or of a layman, was always to be dealt with upon the same principle as other private property; nor had he or would he ever admit a forcible invasion of the sacred rights of property, because it was of a particular description. From that principle he could not depart. It never could be departed from, without an abandonment of the character of parliament—without involving the stability of every kind of property. It mattered not to him who was affected in the first instance; if once the House were prepared to invade the rights of property, whether lay or ecclesiastical, no man could undertake to set limits to the invasion, or to say that it would be the last; since every additional infringement would come

strengthened by the force of the previous precedent. While, therefore, he had been desirous to afford every relief, he had been most anxious that an arrangement should take place between the parties; but, when the legislature was called upon to compel an unwilling party to give up his property, and that for a great public good, there was, in his opinion, but one course that could consistently with justice be pursued, and that was, to give to the party the full value of the property forcibly surrendered. But he denied that, as the bill now stood, it would be necessary in all cases, or even generally, to enforce the compulsory clause; and he was still further prepared to propose an intermediate process, which would, he hoped, prevent the necessity of recurring to it at all. But still he thought there was great advantage in having it in the bill. It would be a check upon the parties; it would tend to make them act justly and fairly, by letting them know, that if they refused there was another tribunal, which possessed the power of compulsion.—With respect to one part of the bill, his right hon. friend was altogether in error. The present bill in no case, whether of voluntary or of compulsive valuation, brought in the tithe of agistment; but, when the valuation was once formed, agistment lands were to bear their fair proportion of the burthen. There was one other point also, to which his right hon. friend had objected; namely, that part of the bill which pointed out the mode by which the assessment was to be effected. That part had been altered. On consideration, he was satisfied that the task of assessment ought not to be imposed on the parochial vestry. He had, therefore, struck out those clauses, and given the power to the commissioners who were to make the valuation. They were for this purpose enabled to call in surveyors to survey the parish, and make the assessments upon such survey. He was aware there might be objections to this plan; but as the House had already declared that there should be a parochial survey of Ireland for general purposes, he was persuaded no substantial objection could be urged to the mode of effecting it which this bill proposed. He should be most ready to attend to the suggestions of any hon. member, and, notwithstanding the declarations of hostility with which the measure had been met, both in that House

and out of it, he flattered himself that it might be so modelled as to render it measure deserving the approbation of parliament.

Mr. *Wetherell* objected to the principle of the bill, because it deprived the clergy of their character of freeholders, and gave them a character of pensioners of the state, levying their pensions by machinery something like that of the poor-rates in England. It remained to be proved, that the evil was so large and comprehensive that they should cut up by the roots all the sacred principles on which property, civil and clerical, was founded. The proposition in the bill was entirely new; as Mr. Pitt, who contemplated the commutation of tithes, never intended to deprive the clergyman of his territorial character; but proposed to give him land instead of tithe. It was an objection to this bill also, that while it professed to be a measure of conciliation, it forced the parties, *volens volens*, to a commutation. They were brought to the measure *in vinculis*, and subjected to the *brutum fulmen* of the government. He thought some harmonising, conciliatory, and intermediate measures were practicable; but, at any rate, in a case in which there were *vestigia nulla retrorsum*, they should not come to a conclusion hastily—the bill should be printed, and dispersed throughout Ireland. He did not think the security offered to the clergyman, who had now an absolute claim *in rem*, was adequate to that which he relinquished. If the churchwardens refused to levy, the resort was to a complicated machinery of litigation, of which the clergyman was the *primum mobile*; though he did not question his potentiality to put it in motion. He lamented to hear that the *summum jus* was frequently insisted on in Ireland in levying tithe, especially on potatoes, which were the pabulum of so large a part of the population. He thought the measure before the House would be an irritative instead of a sedative; for he could not conceive how it would be a *bonus* to the peasant to commute a payment *in solido*, for a pecuniary payment. He suggested, that the relief should be applied to that part in which the evil was felt, the tithe on potatoes; but he saw no reason for touching those tithes which were paid by large farmers. The payment in tithes had been preferred by Mr. Burke and other writers of great authority, to a pecuniary payment; as it

mixed up the clergyman harmoniously with the rest of the constitution, and brought him constantly in contact with his parishioners. He hoped, as during the last year king William's statue had been stripped of its ribbons, the church would not this year be undressed of its property, by depriving the clergy of their territorial rights, and investing them with the shadowy substance given them by way of commutation in this bill; which would one time or other become a precedent for similar measures against the church in England.

Mr. Secretary *Peel* said, that his right hon. friend (Mr. V. Fitzgerald) and his hon. and learned friend who spoke last agreed in nothing but in their desire that the bill should be withdrawn for the present session. He must, however, protest against the postponement of the measure, because he was satisfied that no additional information could be obtained thereby. The argument of his hon. and learned friend went to prove, that no commutation could be effected without danger under the auspices of the government, and yet his hon. and learned friend had declared, that he should have no objection to a commutation of potatoe tithe. With regard to the compulsory clause, it was not necessarily connected with the bill, and if the House should hereafter be of opinion that it ought to be omitted, the remaining parts of the bill might still be beneficially carried into effect.—The right hon. gentleman entered into a variety of details with regard to the mode of collecting tithe in various parishes in Ireland, with a view of showing the practicability of an amicable adjustment between the clergy and their parishioners. He approved of the plan of appointing parochial commissioners; for it was impossible that the government could efficiently discharge the duties which would devolve upon the commissioners, from a want of local knowledge, and their limited acquaintance with parochial details. If this measure should not produce universal harmony and conciliation, much substantial good would, he believed, be effected by it. He therefore gave his cordial support to the motion for going into the committee.

Sir *J. Newport* agreed, that it would be most impolitic to allow the bill to remain over to the next session. He expressed his firm conviction, that unless some measures were adopted by parlia-

ment, to modify the tithe system in Ireland, there was no hope of peace and tranquillity, either for the established church, or for the people at large. At the same time he must object to the principle of the compulsory clause.

Colonel *Barry* objected to the compulsory clause, but approved of the general principle of the bill, which he thought would be highly beneficial to the interests of the Irish clergy.

Mr. *Abercromby* thought, that if the compulsory clause were struck out, all the evils which the bill was intended to remedy would be left in full activity. If that clause therefore were rejected, he could not give his support to the bill.

Sir *John Stewart* deprecated the idea of raising obstacles to the fair operation of the bill, from which, with some modification, much good would result to Ireland.

Colonel *Trench* said, the great difficulty lay in this, that the tithe was chiefly payable by Papists to Protestants. He had great hopes of the bill, which he trusted would come out of the committee more perfect than it was at present.

The bill was then committed *pro forma*.

## HOUSE OF COMMONS.

*Wednesday, May 21.*

INSOLVENT DEBTORS' ACT—WESTMINSTER PETITION FOR THE REPEAL OF.] Mr. *Hobhouse* presented a Petition, which was signed by between 2,000 and 3,000 respectable tradesmen of the city of Westminster. They prayed for a repeal, or a considerable alteration, of the Insolvent Debtors' act. The House was aware that from the time of passing that act, petitions had poured into the House from all parts of the country, praying for its repeal. The petitioners saw nothing in the existing law which could recommend its continuance. They did not merely complain of it, but they had taken the liberty of pointing out the manner in which they conceived the grievances it occasioned should be remedied. The petition had been very maturely considered at two numerous meetings of the inhabitants of the city which he had the honour to represent; and persons whose opinions were upon most other occasions opposed, had in this instance agreed upon the resolutions which were embodied in it. The suggestions to which he wished more particularly to draw the attention of the

House were, that the laws relating to insolvents should be assimilated as much as possible to the bankrupt laws. The petitioners were of opinion, that the interests of the debtor and creditor would be better attended to if a meeting of the insolvent's creditors should take place within ten days after his commitment. At that meeting, two-thirds of the creditors should have the power of coming to a decision, which should be binding upon the others. They recommended also, that if creditors should be proved to have participated in the fraud of the insolvent, they should be subject to punishment by the commissioners of the Insolvent Court. When he stated that 3,000 individuals had taken the benefit of the insolvency acts, between the 1st of February and the 12th of March last, the House would see that the effect of the act was inconsistent with the protection due to creditors. He denied, on the part of his constituents, the truth of the representation that they thrust their credit upon customers. On the contrary, it required their utmost skill and address to guard against the artifices of persons who afterwards became insolvent. The petitioners recommended no severe measures, but such as, knowing the vicissitudes to which men in trade were exposed, they would themselves be willing to submit to if they were exposed to that necessity.

Ordered to lie on the table.

SILK MANUFACTURE BILL.] The Lord Mayor presented a petition most numerous and respectably signed by many of his constituents, the working silk-weavers of Sudbury, against the repeal of the act called the Spitalfields act, and which had for its object to regulate the price of labour in that trade. His lordship stated, that they were apprehensive the consequence would be, to reduce their means of subsistence, and consequently to increase the poor-rates. The act had been passed in consequence of great disputes between the masters and men, and since that period the silk trade had flourished, and the men had been satisfied. At all events, whatever might be the original policy of the measure, it ought not to be interfered with without great caution, and opportunity for all parties interested to be heard fully on the subject.

Mr. Calvert recommended that time

should be given to the petitioners to state their objections to the measure.

Mr. Ricardo thought that this petition, coming from a district which was free, and praying that a restriction might be continued upon another district, was a most powerful argument in favour of the very measure which it opposed.

Mr. W. Smith thought, that as the petition concerned the interests of a large body of industrious and ingenious men, their opinions and even prejudices ought to be attentively listened to.

Mr. F. Buxton presented a similar petition, which, having lain for signature only three days, had received 11,000 signatures. Females had not been permitted to sign, nor any person under the age of 20. It came from the journeymen silk-weavers of London and Middlesex. Its object was, to represent to the House the dismay and alarm which had been caused in the minds of the weavers of Spitalfields, by the bill which was appointed to be read a second time that day. It stated, that the journeymen weavers had derived great benefit from the effects of the existing laws, of which he thought they were competent judges, and which they said did not repress industry in any shape. It stated, that the poor-rates in the neighbourhood from which this petition came amounted only to 3s. in the pound, and it asserted, that the repeal of the present acts would increase them. If the right hon. gentleman who introduced this measure had been in his place, he should have requested him to postpone the further progress of the bill until the petitioners had been heard, as they prayed, by themselves or their counsel, at the bar of the House.

Mr. Hume said, he regretted that the right hon. proposer of this measure was not in his place, to vindicate the broad and general principle upon which it was founded. He was willing to give the petitioners credit for very honest intentions, but he thought they did not understand the operation of those principles to their own advantage or disadvantage. They thought, for instance, that the existing law had been beneficial to them, when it had, in fact, been, for the last forty or fifty years, diverting the trade to Sudbury and to other places. He was satisfied that, in proposing the present measure, his majesty's ministers had conferred a benefit on the country at large.

Mr. F. Buxton admitted, that the pe



tioners did not pretend to understand political economy—a science, the principles of which appeared to change every two or three years. All they demanded was, to be heard; and no reason had been given why the complaints of eleven thousand petitioners, whose interests would be affected by this measure, should not be attended to.

Mr. *Ellice* said, he agreed that all the restrictions on trade which had been alluded to had probably better be removed. But, how were they proceeding? They were, however, proceeding to remove a law which, as the workmen conceived, afforded them protection, while they allowed the Combination act, and the act against the emigration of artisans, to remain in existence, which statutes, as every one knew, operated severely against certain of the working classes. The weavers undoubtedly believed that the bill which was about to be repealed afforded them some protection; and they saw none of those evils which the master-manufacturers apprehended would flow from suffering it to continue in force. They were the persons chiefly interested; and he thought their call for some delay was not unreasonable. There were some restrictions, he was aware, on the master-manufacturer, with respect to the mode of carrying on his business, but these were very easily evaded. It was said, that the existing act was a deviation from general principles; but where it suited particular interests, the House frequently deviated from such principles. That was the case with respect to the corn-laws, and the laws affecting other branches of trade, by which the workmen were grievously oppressed. So that the mere deviation from general principles, in this particular case, was not of itself a sufficient reason for repealing the act. The workmen were seriously aggrieved by the emigration laws, which prevented them from carrying their labour to other countries, as the master-manufacturer was enabled to carry his capital. Let it not, therefore, go abroad, that the House would interfere with those acts which the workman thought beneficial to his interests, and not redress the grievances which grew out of measures which he felt to be oppressive. He would ask the right hon. gentleman (Mr. Huskisson), whether he could not, without interposing any great impediment to the progress of this bill, give a little more time for the con-

sideration of this measure, and afford the petitioners the satisfaction of knowing that he contemplated the repeal of the Combination act, and of several other statutes under which they suffered very considerably?

Mr. *Haldimand* said, he would support the bill introduced by the right hon. gentleman, because he believed if the existing acts were not repealed, the silk-trade in Spitalfields would be extinguished altogether in the course of a very few years. He stated this, not upon any general principle, but as a mere matter of fact. An allusion had been made to the petitioners, as not understanding political economy; but the resolutions and the petition which they had agreed to at a public meeting, contained some of the strongest principles of what he supposed they considered political economy that were ever promulgated. They approved of the doctrine, that the magistrate should fix the prices, and that no one should work for more or less than he settled. This was a monstrous proposition. The price was not to be determined by the number of labourers, as compared with the demand, but by the magistrate; who, it must be presumed, possessed some intuitive mode of judging what was exactly the proper rate. Their observations on machinery were equally unsound; and their complaint, that, if the present bill were passed, the wages of the Spitalfields weaver would suffer the same reduction as had taken place in Coventry and elsewhere, was really absurd. Their argument went to this—that the rate of wages there should continue the same, whether the price of provisions remained as it was now, became lower, or was doubled. Whoever drew up that petition had made out a better case for the repeal of the present bill, than those persons had done who had petitioned the House to effect that object. It was a remarkable circumstance, that since that bill had been passed, the rate of the weaver's wages had risen, but had never fallen. No instance of a fall had occurred, although the wages in other branches of the trade had been reduced. Some years ago the masters had called for the repeal of this bill; and he believed there were very few of them at present who did not wish for its removal.

Mr. *Ricardo* said, in answer to what had fallen from an hon. gentleman, that if they waited until they could, at one

stroke, destroy all restrictions on trade they would never effect any useful alteration. The hon. member for Weymouth had observed, that the petitioners knew nothing about political economy, the principles of which seemed to change every two or three years. Now, the principles of true political economy never changed; and those who did not understand that science had better say nothing about it, but endeavour to give good reasons, if they could find any, for supporting the existing act. He most assuredly would not utter a word that could be injurious to the manufacturing classes: all his sympathies were in their favour: he considered them as a most valuable part of the population, and what he said was intended for their benefit. But, why should this particular trade come under the cognizance of the magistrate more than any other? Why should he interfere with this particular branch of the trade when many other branches of it were not under his control? The law only applied to the weavers. With respect to all other parties connected with the trade the magistrate had no jurisdiction whatever. Why should he have the power to fix the price of labour, more than the price of bread, meat, or beer? Delay was asked for. Now, he saw no use or advantage in delaying the measure. The hon. member for Norwich called on the House to delay the bill until next session. But, what reason had he given for the postponement? No one whatever. He merely said, "I think the existing measure is a very bad one for the workmen, but there is an extraordinary prejudice in its favour amongst the weavers, and therefore I would delay the measure until that prejudice is removed." Why, at the end of the next session they would be in exactly the same state as at present; the prejudice would be found to exist as strongly as before. He therefore hoped that his right hon. friend would proceed with the measure, and refuse any application for delay.

Mr. *W. Smith* said, the reason why he called for delay was, to allow time for the prejudices of those who disapproved of the bill to subside, or be overcome. In conversing with some of the petitioners, he had found them prejudiced, but reasonable; and if delay were granted, perhaps those prejudices might be removed, and the bill be passed without opposition.

Mr. *S. Wortley* concurred in opinion

with those who pointed out the folly of these regulations; but, in doing the away, it would be well, if possible, to carry with them the feelings of those who now wished for their continuance; and he did not know of any mischief that could arise from the delay of a few months which could be compared with the benefit that would result from showing the petitioners that the regulations were, the worst that could possibly be devised for them. Why could not the subject be referred to a committee? He could give instances where inquiry before a committee of the House had removed deep-rooted prejudice which could not have been eradicated by such inquiry. The restrictions on the use of machinery in the West Riding of Yorkshire, and the regulations with respect to the stamping of woollen cloth were some years ago considered by committees of that House; and though the prejudice against any alteration was very strong, yet when the propriety of a revision of the law was made apparent, it was effected without opposition. Therefore it appeared to him that some delay was advisable.

Mr. *G. Philips* wished the measure to be hurried through the House. It ought to receive a calm and deliberate consideration. He thought the existing act was injurious to the workmen; but on that very account, he thought delay ought to take place, because he was desirous that the necessity of the repeal should be manifested to the workmen themselves. It was said, that the combination acts were injurious; but it should be recollected, that there was now a bill before the House to put an end to them. No body of men had suffered more than the Spitalfields weavers; and, in his opinion, their sufferings had been chiefly occasioned by the law which the right hon. gentleman wished to repeal.

Mr. *Huskisson* said, there was one peculiar feature in this discussion; namely, that not one of those who had taken a part in it, had contended for the principle or the bill which was about to be repealed; and yet, when not a single member was proposed to maintain the proposition, that the principle was a good one, they were asked to appoint a committee to investigate this subject. What would be the use of such a proceeding, when every man was precisely of the same opinion? He had heard many complaints from time

to time, that government would take no responsibility upon themselves, but left every alteration in the law to others; but on this occasion, where they could with great propriety assume a certain degree of responsibility, gentlemen were anxious that they should throw it upon a committee. They were required, either to grant delay to the next session, or to refer the subject to a committee up stairs. Now, with respect to delay, honourable gentlemen very much deceived themselves if they supposed that delay was likely to produce any alteration in the feelings of the petitioners. This was not a new matter of discussion and inquiry between those who now were petitioners and the government. He appealed to his right hon. friend who was recently at the head of the Board of Trade, whether this subject had not, year after year, been brought under discussion. It had been repeatedly considered by the operative weavers on the one side, and the executive government, anxious to do away an act which was obnoxious to the interests of the country, and to the welfare of the parties themselves, on the other. When the present act was passed, there was no silk-manufactory in any part of the country except Spitalfields; and if it had not been for the prohibition against the importation of silk, the law would not have remained on the Statute book for fifty years. But the case was now wholly altered. There were silk-manufactories in many parts of the country; and, if the present law were suffered to remain in force many years longer, the whole trade would be absorbed by them, and the manufactories of Spitalfields would be inevitably ruined. In that case, though they might repeal the law, that measure would come too late; for it was extremely difficult, when a branch of manufactures was once removed from a particular place, to bring it back again. Upon all these grounds he should feel it necessary not to hurry the bill through the House, but to press it forward consistently with the accustomed forms of parliament. At the present moment there was a dispute between the masters and the journeymen: the one body wanting to affix a certain price on particular articles; the other contending against it. Who, then, was to decide? Why, the magistrate, who knew nothing about the subject, and who might as well be called in to decide on a mathematical problem, relative to which

two professors of that science maintained different opinions. With respect to the combination laws, and the law relative to emigration, he admitted that they required revision. That, however, was a very complicated subject; not a plain and simple one like the present. It might be fit for the consideration of a committee, but could not be assimilated to the subject of the bill which had given rise to this discussion. The bill which he had brought in did not affect the general laws of the land; but merely a law which applied to a particular district, and gave to it undue advantages which other places did not possess. It was one of those unwise departures from sound principles which ought to be got rid of as soon as possible. He should persevere in moving the second reading of the Silk-manufacture bill that evening.

Mr. *Calcraft* was of opinion, that it would be unadvisable to proceed further in this business, without giving the petitioners an opportunity of being heard. Let them first be heard, and then the House could decide upon the merits of the case—that a course which, though it should ultimately prove adverse to the view at present taken by the petitioners of their interests, would, he had not a doubt, be acquiesced in by the parties at issue.

Mr. *S. Rice* said, that he was requested by one of the most respectable persons engaged in the silk trade in Ireland, to express a hope that the bill would not be hurried in its progress through the House. The Irish silk-trade suffered regulations analogous to that carried on in Spitalfields, with the additional control of the Dublin society.

Mr. *F. Buxton* called the attention of the House to the standing order, which precluded them from receiving any measure for imposing a new restriction upon trade, or altering any thing relating to trade, without its being previously submitted to a select committee. With respect to the disputes among the workmen, he had the authority of Mr. Hall, who had resided forty years in Spitalfields, to say, that within his memory there had only been two instances of applications to the magistrates by the workmen.

Mr. *Huskisson* said, that at that moment an application to the magistrates was pending respecting the price upon the manufacture of a particular article. With respect to the standing order, whatever

was its wording, he could state, that the original intention of it was, that no new restriction should be imposed upon trade. If it were applied to such a case as this, which was to remove a restriction, an operation would be given to it the reverse of the original intention.

Mr. *S. Wortley* contended, that the standing order was applicable to the present case.

The *Chancellor of the Exchequer* explained the origin of the standing order. A bill imposing certain restrictions on trade had found its way through that House to the House of Lords, where it was objected to, and the Lords came to a resolution, that no such bill should be agreed to, but after the reference of the subject to a committee. The House of Commons then came to a similar resolution. However the order might be worded, its object evidently was, to prevent the introduction of new restraints upon trade, and not the removal of those which already existed.

Lord *Milton* thought the petitioners ought to be heard. In a case in which the interests of so many persons were concerned, it would not be right to dwell on what might be the original intent of the standing order. And after all, the repeal of restrictions on trade was, in fact, the introduction of a new regulation with respect to it.

Mr. *Ellice* urged the propriety of postponement. It would be hard on the petitioners, if now, for the first time, the standing order was considered inapplicable to the present question.

Mr. *F. Buxton* presented a similar petition from the tradesmen of Spitalfields, expressing their apprehension, that the result of the repeal of the existing law would be, the increase of the poor-rates, and praying the House not to pass the bill without the fullest examination. In his opinion, inquiry was indispensably necessary, to pacify the opponents of the repeal if they were wrong, or to do them justice if they were right.

Mr. *Philips* thought the standing order bore upon the present question.

Mr. *Wallace* was satisfied that, whatever was the wording of the standing order, it had no real application to the principle of this bill, and he should regret extremely to see it impeded upon such a pretence. If the House yielded to the present application, the result must be the loss of the bill for the present session.

VOL. IX.

Mr. *Maxwell* thought it might be safely presumed, that the petitioners had good reason for their opposition to the present bill. He certainly hesitated to say, that he approved of the repeal. At any rate he was persuaded it ought not to be an isolated measure. He was one of those who thought that some regulations respecting wages, and among others, that of fixing their minimum, would be serviceable to the community at large.

Mr. *Huskisson* admitted, that if doubt existed respecting the operation of the standing order, it ought to be considered before they proceeded further. It had not, however, been previously acted upon; and its effect, if used in the manner now proposed, would be, to paralyse all the proceedings of the House in matters of trade.

Sir *J. Mackintosh* said, he rose, much against his inclination, to state his opinion with respect to the meaning and construction of the standing order, because he was decidedly favourable to the bill, and as decidedly opposed to a thing which might oppose its progress. But, unfortunately, they were bound to consider the orders of that House, according to their general and plain import. For himself, he considered the removal of any restraint upon trade as much a regulation of such trade, as the imposition of any restraint could be. He had heard his hon. friend (Mr. Maxwell's) observations about a minimum of wages, with regret. If his hon. friend's view were correct, he ought to apply his minimum equally to prices and to rents; not that such an extension of the application would correct the principle. On the contrary, it would expose its absurdity.

Mr. *Baring* rather preferred the formation of a committee. It did not follow that such a committee should enter into a protracted inquiry. With respect to the standing order, he saw nothing but absolute wisdom in it, and thought it ought to be repealed. With respect to the petitions, they did not weigh much with him. They came from a set of persons who were either labourers in the trade, or tradesmen and shopkeepers with whom those labourers dealt, and who would, of course, join in the prayer of their customers.

Mr. *Huskisson* said, that though the standing order had been introduced on the 23rd of June, 1820, it had never been acted upon. He would, to-morrow, move

2 C



to refer the consideration of it to a select committee; and under these circumstances, he did not mean to press the second reading of the bill that night.

Ordered to lie on the table.

PRETENSIONS OF RUSSIA—NORTH-WEST COAST OF AMERICA.] Sir *J. Mackintosh*, seeing the secretary of state for foreign affairs in his place, wished to put a question to him on a subject of high importance, and nearly connected, not only with the honour and dignity of his majesty's crown, but with the interests of all lawful and practical navigation. It would be recollected, that in the course of the last session, he had addressed a similar inquiry to the late marquis of Londonderry, with respect to certain wild, monstrous, and extravagant pretensions of the emperor of Russia, to exclusive authority over vast dominions by sea and land, on the north-west coast of America; those dominions embracing on shore, several extensive territories now occupied by subjects of his Britannic majesty, and others which were possessed by citizens and subjects of the United States of America: and by sea, including an extent of ocean, stretching from the north-west coasts of America, to the north-east coasts of Asia. On the occasion to which he alluded, the noble marquis informed the House that he had, by the command of his majesty, protested on the part of the British government against those principles of dominion which had been recently set up by Russia, and which he justly described as principles that were injurious to the maritime rights of all commercial nations, and especially obnoxious to those of the first commercial nation in the world. Since that period, however, and indeed but a few days since, information had been received in this country from America, that Russia no longer rested upon unwarrantable pretensions; but, that Russian ships of war had been actually employed to warn off the ships of all countries, from the whole extent intervening between Nootka Sound and Japan, as part and parcel of the Russian empire. He had been informed, that they had driven away American vessels which were sailing in those latitudes; and the same principle of exclusion would extend to any British ships which they might find there, as matter of course. Doubtless, as a preliminary step to that universal dominion by land and sea, which

the recent plans and views of the Russian emperor seemed to contemplate. In the first place, therefore, he begged to ask the right hon. gentleman, had his majesty's government received information that such acts of exclusion, as had occurred in the case of the American vessels, had been committed by the Russian government? And, in the second place, whether any answer had yet been returned by that government to the protest of Great Britain against its preposterous pretensions? It might be desirable to know, also, whether any negotiations were pending on the subject.

Mr. Secretary *Canning* said, that to the question of fact which had been put to him by the hon. and learned gentleman, he could only reply, that his majesty's government had hitherto received no information upon the matter, except through that channel by which the statement in question had been published to all the world. He had, therefore, no means of verifying the fact on which the hon. and learned gentleman's inquiry was founded. In the second place, as to the situation in which this country stood with Russia, in respect of the general question, it was true, that they had entered a protest against her claim, upon the first promulgation of those principles. That protest had been renewed, both at the congress at Verona, and in subsequent negotiations. Those negotiations were still pending, and in activity at the court of St. Petersburg.

IRISH TRADING VESSELS—HARBOUR AND LIGHT DUES.] Mr. *S. Rice* begged to call the attention of the late and present president of the Board of Trade to the petition which he held in his hand. That the trade of Ireland should, in all respects, be put on the same footing with that of the rest of the empire, so far as was consistent with a due regard for the revenue, was a principle not to be disputed. It would, however, surprise the House to learn, that the trade of Ireland was subject to a charge amounting to not less than one-sixth on the average of all freights. To show this, he need only instance the trade between Liverpool and Dublin, or Belfast. The vessel from Liverpool to Dublin would have to pay light and harbour dues only once in the year; whereas, the vessel coming into the port of Liverpool, from Belfast or Dublin, would have to pay the same dues

every trip, as if she were a foreign ship. He knew a case in which a single shipping proprietor had had to pay on this account, for a vessel entering Belfast, only 28*l.* in the year; but, for the same vessel entering Liverpool, in the course of her trade, the enormous sum of 1,700*l.* He wished to know whether his majesty's government would consider this a proper subject for the consideration of the committee on foreign trade.

Mr. *Wallace* agreed perfectly in the principle, that the trade of Ireland ought to be placed on the same footing as that of England. The matter had already been made the subject of inquiry. The result to which his majesty's government had come was, that the trade of Ireland ought to be placed on the same footing as the home trade of the rest of the empire. He trusted that the committee would speedily be enabled to report on the matter.

Mr. *Ellice* begged to make a remark on the charges to which our shipping was subjected in the colonies. The charge on a ship of 300 tons, in one of these colonies, amounted to nearly 10*s.* per ton; a burthen which was the more objectionable, inasmuch as these impositions were not levied so much for the advantage of the public revenue, as for the benefit of private officers. He had ascertained what were the charges on shipping paid by the Dutch in their colonies; and he could state, that in no instance did they exceed 1*s.* per ton, and that was levied on account of police regulations principally.

Mr. *Huskisson* thought, that nothing could be more desirable than to reduce, as far as was practicable, all charges on vessels trading to our ports, and those of our own colonies. He had heard that these charges were very excessive in many of our colonies; but he apprehended, that the greater portion of them had been imposed by colonial legislatures, without the interference of the government at home. He perfectly agreed, that the trade between this country and Ireland should be placed upon the same footing as the trade between any two ports of England.

Sir *J. Newport* was extremely happy to hear what had fallen from the right hon. gentleman. He had, twenty times, at least, endeavoured to impress on his majesty's government the justice and necessity of placing the trade of Ireland on the same footing with that of the rest of the empire.

The petition, which was from Mr. *V. L. Ogilby*, of Belfast, and which prayed for a revision of the Pilot act, respecting Irish trading vessels, was referred to the committee on foreign trade.

TAX ON TALLOW CANDLES.] Mr. *Sykes* said, he rose, in pursuance of a notice he had given on a subject upon which he had once before addressed the House. He was not disposed, however, to be very sorry for his disappointment on that occasion, being convinced that he now stood on more favourable ground than he did last session. At that time, the language of government was, that the condition of the community would only be rendered worse, by any attempt to relieve the distresses of the country by reducing taxation. He was now, however, happy to say, that the government asserted principles of a more pleasing sound, and more beneficial nature. In his majesty's speech from the throne, at the commencement of the present session, it was announced that a large reduction of taxes would take place; and ministers themselves had announced the fact, that the only mode by which the condition of the most suffering of all the interests in the community could be ameliorated, namely, the agriculturists, was by reducing the taxes. Parliament, therefore, had now come to the right and sound conclusion as to the means of relief. That they consisted in a remission of the taxation by which the country was oppressed, was a point that he should assume to have been generally conceded. The only remaining question therefore, regarded the mode and object of that reduction, and whether such reduction had yet taken place, as the country had a right to demand at the hands of parliament. He, for one, was free to acknowledge his great obligation to the government for having repealed a large proportion of the assessed taxes; but he must be allowed to say, that the relief which they had proposed to give by such repeal, had not been felt in the right place. It was not a relief direct or immediately to the agricultural interest, nor such as would diminish the expense of raising the produce of the country; for as to taking off the taxes on carriages, hunting horses, &c., in what way could that enable the industrious farmer to bring his produce to market at a cheaper rate? But, while he suggested this, he meant not to say, that the a

arrangement which had been made by government ought to be at all impeded or interfered with. He meant only to show in what respect it was not effective for one of the principal purposes to which it was intended to go; for he maintained, that no substantial relief had been yet administered to agricultural distress. It was to him a most consolatory assurance, that this country was to remain neutral amidst the present agitations of Europe. Without entering into the details of the conduct which had been pursued by ministers, he must say, that he thought they had done perfectly right in endeavouring to maintain the empire in a state of peace with foreign powers; at least until a war was rendered absolutely necessary. The great advantage of peace was, that it enabled parliament to revise the taxation of the country, and to look into its financial situation. The great mischief of our going to war, would have been, that, incumbered as the country already was, it would have been next to impossible to apply any great diligence to that investigation. Our remaining at peace, therefore, was one argument why the House should proceed to see whether government had gone as far as possible in the way of reducing taxes. He could not go down, for his part, to face his constituents without having previously made every exertion to induce parliament to give them relief in the only way that relief could be effectual.—He would now proceed to state, why he thought that the repeal of the duty upon tallow-candles would be, as far as it went, a relief to the country, and such as it had a right to demand. This duty was one not of very great amount; but if that was to be made the ground of an objection to remit it, he should retort upon the government, that it was but little for them to give. It was, however, a tax which, if any tax could properly be withdrawn from the general taxation of the country, ought to be repealed. The annual amount of the duty on candles in England was 375,000*l.* gross; and 313,000*l.* was the nett sum actually paid into the Exchequer. In Scotland, the gross amount of this duty was 20,000*l.*, and the nett, 16,500*l.*; and here the House would observe a very remarkable difference in the amount of duty between the returns for the two countries—that of Scotland being about 1-20th of the other. The total gross duty for England and Scotland was 395,000*l.*; and the

total nett receipt into the Exchequer, 829,500*l.* the total difference between the gross and nett receipts being 65,500*l.* In Ireland, he believed there were no candle duties whatever; but he trusted that the Irish members would be that night just to the characteristic generosity of their country, and not refuse their support to his motion, because in Ireland candles paid no duty at all. The difference between the gross and nett receipts on account of this tax, as raised in Great Britain, was very large indeed. It was a principle well understood in political economy, that where a vast difference existed between the gross and nett receipts of any branch of revenue, it must show something bad in the tax itself, or in the mode of its collection. Now, the cost of collecting the tax on tallow exceeded, he believed, that of any other branch of our excise. The whole of the excise revenue was collected in this country at about 3*l.* 16*s.* 1*d.* per cent; but the duty on tallow candles cost in the collection 17½ per cent, on the gross, and 20 on the nett receipts; being nearly five times more than that of any other branch of revenue. The tax was also in its application a most oppressive one to those on whom all taxes ought to be made to press with the least severity—the poorer classes. The rich had wax lights, spermaceti lights, gas lights, and other modes of illuminating their chambers, by which philosophy administered to the luxury of the age; but the poor man had only his farthing candle, or the more scanty light from his small fire. Now, he contended, that the duty on tallow-candles generally, but more particularly on that kind of candle which the poor man used, was most oppressive in its operation. There were, the House knew, two kinds of tallow candles—dip candles and moulds; but as the duty was at present arranged, it fell most heavily on the former kind, and of course on the poor by whom that light was almost entirely consumed. Another objection which he had to the tax was, that it was a tax on labour. In the winter season, a great portion of the labour of the poorer classes was performed by candle-light; and he could cite many cases where individuals, whose earnings did not exceed eighteen or twenty pence a day, were obliged to expend three-pence of that miserable pittance in the purchase of candles. Besides this,

the tax was extremely vexatious in the mode of its collection. There was, he believed, no branch of business within the operation of the excise laws, in which more difficulties were thrown in the way of the manufacturer. This was obviously the less necessary, seeing that, of all species of manufacture, that of candles was, perhaps, the easiest. So much so, that he had no doubt, if the duty was removed, the practice of making their own candles would be adopted by most families. Mr. Evelyn, in his *Memoirs*, when describing the domestic economy of the house of Beaufort, mentioned the making of candles as one. But, to return to the pressure of the act upon the manufacturers. It was complained of by them, that by certain clauses in the act, they were rendered liable to penalties of 100*l.* for omitting particular forms of moulds, and modes of arranging them. Now, the effect of these difficulties pressed not merely on the manufacturer, but also on the consumers generally; for in proportion to the cost, trouble, and risk of his business, would he naturally oblige the consumers to pay for the article. The hon. member here read part of a letter which he had received from a respectable manufacturer of candles, in which the writer, after pointing out many of the objections to which he had alluded, added, that some of the difficulties with which the manufacturer had to contend were too much for any tradesman to bear. The writer pointed out the great number of oaths which the manufacturer was obliged to take, and gave as an instance, that he had himself taken no fewer than thirty-three oaths since last July. In conclusion, the writer expressed his conviction, that if the duty was reduced, the consumption would increase in a very considerable degree.—It might be said, in answer to his motion for the repeal of the tax, that it was one of a very long standing—that it had already existed for a century; but this was no answer to his argument, particularly at a time like the present, when the principles of legislation were much better understood than they were formerly. It might also be asked of him, if he removed this tax, which amounted to about 340,000*l.*, what he would propose as a substitute? To this he would answer, that he was not Chancellor of the Exchequer, and that if he pointed out the general impolicy of the tax, it was the duty of government to

remove it, and provide a substitute. If, however, he were forced to name a substitute for the tax, he would say, that government were not without an abundant store, out of which they might supply the deficiency created by the repeal. He would say, that they had it in a more economical management of the public resources; in a greater reduction of useful places, and of the large salaries attached to some which were necessary. In carrying into effect that fair and necessary system of economy, objections would, he knew, be made. He recollected the excuse that had been made for the salary of an hon. gentleman (Mr. T. Courtenay) by the right hon. secretary; he said his hon. friend had ten children, and that his salary was not to be touched. A similar affection towards his royal father made the excuse for keeping up the salary of his royal highness the duke of York: the filial attachment of the one and the paternal affection of the other were made the grounds of keeping up the burthens of the country. His wish was to relieve the country from the burthen of the tax on tallow altogether. It had been suggested by his hon. friend (Mr. Corwen), that the tax might be substituted by an increase of the duties on the importation of tallow. For his own part, he did not wish to shift the burthen from the shoulders of one party to those of another. However, if the tax could not be got rid of, he would prefer the suggestion of his hon. friend, by which at least, the pressure of the tax would be rendered more equal. The hon. member concluded by moving, “That leave be given to bring in a Bill to repeal the Tax on Tallow Candles.”

The *Chancellor of the Exchequer* said he would state, as briefly as possible, the grounds on which he thought it highly inexpedient to repeal the duty. The fact was, that the revenue of the country was not at present in a condition to spare 350,000*l.*, the amount of the tax; and he could not agree that it was a tax which pressed heavily upon the public. On the contrary he was prepared to say, that if the revenue were at present in a situation which would enable government to remit so large an amount of taxation there were other branches of it which required to be relieved infinitely more than that under consideration. The hon. member had done justice to the government, in admitting that they had shov



a disposition to relieve the public by the remission of taxation to a very considerable amount. He, however, as one member of it, did not consider himself entitled to any praise on that account, beyond what belonged to his predecessor in office. It had been his good fortune, when he came into office, to find the revenue in that situation which enabled government to effect the very considerable reductions they had made. But independently of these reductions, which already amounted to 2,300,000*l.*, it was intended to make a further reduction on the duties upon Scotch and Irish spirits. Now, considering the large amount of revenue derived from this source, it was natural to expect that the reduction would at first, though not eventually, create some diminution, which it would be highly improper to increase, by giving up other duties to the amount proposed by the hon. member. The hon. member complained of the tax as odious and oppressive, and had ridiculed the idea of defending it on the ground that it had been imposed a century ago. He certainly did not defend it on the ground of its antiquity; but when he found that it had existed for a century; that it had not been increased within that time; that the amount of revenue derived from it had improved yearly; and that no complaints had been made against it, he did not see, particularly as the state of the revenue could not afford it, any good reason why it should be given up.—The hon. gentleman was mistaken, in supposing that the difference between the gross and the nett receipts of the tax was absorbed by the cost of its collection; for a great portion of this consisted of drawbacks on exportation, and returns of different kinds. But, even if the hon. member had been correct on this point, still he would repeat, that there were other taxes which, if the state of the revenue permitted, called much more imperatively for repeal, as being much more generally felt, and complained of. The hon. member might recollect the numerous petitions which had been presented to the House this session, complaining of the operation of the duties on coals, beer, tobacco, and other articles. All these were much more loudly complained of than the one he sought to repeal. Let him also recollect, that there was another tax of about the same amount—the remaining duty of 2*s.* a bushel on salt—which would

expire in January 1825. Now, assuming that the country might be in a situation to give up that tax at the time mentioned, then there would be a diminution of revenue, if the tax on candles were also repealed, to the amount of 700,000*l.* He thought it better to let the tax remain as it stood; and it would be for the consideration of parliament, at the expiration of the salt-tax, whether it might be better to give up that or the duty on candles. Another objection which he had to making so great a diminution of the revenue, was founded on the intention of government to get rid of one mode by which they had hitherto raised a part of it—he meant the lottery [Hear, hear.] He should propose the lottery resolutions this year for the last time [Cheers]. That intention of government could not, however, be carried into effect, if the hon. member's proposition for the repeal of the duty on candles was adopted. He fully concurred in the sentiment expressed by the hon. gentleman, respecting the necessity of making every practicable saving in the collection of the revenue, and in diminishing our other expenses in every way consistent with the efficient performance of the public service; but if by any reductions which could be made on these heads, the whole amount of the tax on candles could be saved, he thought he would do much better to apply the result to the remission of taxes which pressed much more heavily on the public. He thought it was no very strong argument in favour of the repeal, that it would induce persons to follow the example of a former duke of Beaufort, who made the manufacture of candles a part of his domestic economy. He for one had no such wish that such should be the case; and he believed that those who might try the experiment would not find their candles much cheaper for being made in their houses. For the reasons he had stated, he should negative the motion.

Mr. Curwen said, he was opposed to the duty on candles, because he thought it pressed with great severity upon the poorer classes. The Chancellor of the Exchequer had completely blinked the question. He had talked of the relief afforded to the country from taxation; but that relief was almost confined to the richer classes. The labouring poor felt little benefit from it; but relief to those classes was of importance; for unless the labourer was relieved from some of the

heavy burthens which pressed upon him, it would be absolutely necessary to increase his wages. He was glad to hear that it was the intention of government to give up the lottery; but he did not think they were entitled to any great credit on this point. If the tax on candles could not be given up, he thought that by increasing the duty on the importation of foreign tallow, and that on mould candles, the government might be able to give up that on dipped candles, which pressed with peculiar hardship on the poor.

Mr. Monck supported the hon. mover, who, in his opinion, had made out as complete a case as had ever been submitted to the consideration of parliament.

The motion was negatived without a division.

CRIMINAL LAWS.] Sir J. Mackintosh, after a few preliminary remarks regarding the difficulty of attracting the attention of the House to so hacknied a subject as that upon which he was about to address it, said, that the first public discussion at which he had been present after his return from India, was a discussion in another place, upon a measure of his late lamented friend, sir Samuel Romilly, tending to ameliorate the existing state of our Criminal Laws. In the course of that discussion, he had heard it stated, in an excellent speech made in favour of the principle for which he was now prepared to contend, that if a foreigner were to form his estimate of the people of England from a consideration of their penal code, he would undoubtedly conclude that they were a nation of barbarians. This expression, though strong, was unquestionably true; for what other opinion could a humane foreigner form of us, when he found, that in our criminal law there were two hundred offences against which the punishment of death was denounced, upon twenty of which only, that punishment was ever inflicted—that we were savage in our threats, and yet were feeble in our execution of punishments—that we cherished a system, which in theory was odious, but which was impotent in practice, from its excessive severity—that, in cases of high treason, we involved innocent children in all the consequences of their father's guilt—that in cases of corruption of blood, we were even still more cruel, punishing the offspring, when we could not reach the

parent—and that, on some occasions, we even proceeded to wreak our vengeance upon the bodies of the inanimate dead? If the same person were told, that we were the same nation which had been the first to give full publicity to every part of our judicial system—that we were the same nation which had established the trial by jury, which, blameable as it might be in theory, was so invaluable in practice—that we were the same nation which had found out the greatest security which had ever been devised for individual liberty, the writ of *habeas corpus*, as settled by the act of Charles II.—that we were the same nation which had discovered the full blessings of a representative government, and which had endeavoured to diffuse them throughout every part of our free empire—he would wonder at the strange anomalies of human nature, which could unite things that were in themselves so totally incompatible. If the same foreigner were, in addition to this, told, that the abuses which struck so forcibly on his attention were abuses of the olden time, which were rather overlooked than tolerated, he might perhaps relent in his judgment, and confer upon us a milder denomination than that of barbarians; but if, on the contrary, he were told, that influence and authority, learning and ingenuity, had combined to resist all reformation of these abuses as dangerous innovations—if he were informed that individuals, who, from their rank and talents, enjoyed not an artificial but a real superiority, rose to vindicate the worst of these abuses, even the outrages on the dead, and to contend for them as bulwarks of the constitution and landmarks of legislation, he would revert to his first sentiments regarding us, though he might perhaps condemn the barbarism of the present, instead of the barbarism of the past generation. He would take the liberty of reading to the House a short description of the law of England, by a native of another country, in which its imperfections were ably and pointedly exposed to public view. The learned gentleman then read a passage, of which the following is the substance:—“The criminal code of England in many respects was admirable and well adapted for the object which it had in view. Its judges were pure and placed beyond the reach of suspicion: they acted by the intervention of a jury, and were open to the censure of an acute bar, and

a disposition to relieve the public by the remission of taxation to a very considerable amount. He, however, as one member of it, did not consider himself entitled to any praise on that account, beyond what belonged to his predecessor in office. It had been his good fortune, when he came into office, to find the revenue in that situation which enabled government to effect the very considerable reductions they had made. But independently of these reductions, which already amounted to 2,300,000*l.*, it was intended to make a further reduction on the duties upon Scotch and Irish spirits. Now, considering the large amount of revenue derived from this source, it was natural to expect that the reduction would at first, though not eventually, create some diminution, which it would be highly improper to increase, by giving up other duties to the amount proposed by the hon. member. The hon. member complained of the tax as odious and oppressive, and had ridiculed the idea of defending it on the ground that it had been imposed a century ago. He certainly did not defend it on the ground of its antiquity; but when he found that it had existed for a century; that it had not been increased within that time; that the amount of revenue derived from it had improved yearly; and that no complaints had been made against it, he did not see, particularly as the state of the revenue could not afford it, any good reason why it should be given up.—The hon. gentleman was mistaken, in supposing that the difference between the gross and the nett receipts of the tax was absorbed by the cost of its collection; for a great portion of this consisted of drawbacks on exportation, and returns of different kinds. But, even if the hon. member had been correct on this point, still he would repeat, that there were other taxes which, if the state of the revenue permitted, called much more imperatively for repeal, as being much more generally felt, and complained of. The hon. member might recollect the numerous petitions which had been presented to the House this session, complaining of the operation of the duties on coals, beer, tobacco, and other articles. All these were much more loudly complained of than the one he sought to repeal. Let him also recollect, that there was another tax of about the same amount—the remaining duty of 2*s.* a bushel on salt—which would

expire in January 1825. Now, assuming that the country might be in a situation to give up that tax at the time mentioned, then there would be a diminution of revenue, if the tax on candles were also repealed, to the amount of 700,000*l.* He thought it better to let the tax remain as it stood; and it would be for the consideration of parliament, at the expiration of the salt-tax, whether it might be better to give up that or the duty on candles. Another objection which he had to making so great a diminution of the revenue, was founded on the intention of government to get rid of one mode by which they had hitherto raised a part of it—he meant the lottery [Hear, hear.] He should propose the lottery resolutions this year for the last time [Cheers]. That intention of government could not, however, be carried into effect, if the hon. member's proposition for the repeal of the duty on candles was adopted. He fully concurred in the sentiment expressed by the hon. gentleman, respecting the necessity of making every practicable saving in the collection of the revenue, and in diminishing our other expenses in every way consistent with the efficient performance of the public service; but if by any reductions which could be made on these heads the whole amount of the tax on candles could be saved, he thought he would do much better to apply the result to the remission of taxes which pressed much more heavily on the public. He thought it was no very strong argument in favour of the repeal, that it would induce persons to follow the example of a former duke of Beaufort, who made the manufacture of candles a part of his domestic economy. He for one had no such wish that such should be the case; and he believed that those who might try the experiment would not find their candles much cheaper for being made in their houses. For the reasons he had stated he should negative the motion.

Mr. Curwen said, he was opposed to the duty on candles, because he thought it pressed with great severity upon the poorer classes. The Chancellor of the Exchequer had completely blinked the question. He had talked of the relief afforded to the country from taxation, but that relief was almost confined to the richer classes. The labouring poor felt little benefit from it; but relief to those classes was of importance; for unless the labourer was relieved from some of the

heavy burthens which pressed upon him, it would be absolutely necessary to increase his wages. He was glad to hear that it was the intention of government to give up the lottery; but he did not think they were entitled to any great credit on this point. If the tax on candles could not be given up, he thought that by increasing the duty on the importation of foreign tallow, and that on mould candles, the government might be able to give up that on dipped candles, which pressed with peculiar hardship on the poor.

Mr. Monck supported the hon. mover, who, in his opinion, had made out as complete a case as had ever been submitted to the consideration of parliament.

The motion was negatived without a division.

CRIMINAL LAWS.] Sir J. Mackintosh, after a few preliminary remarks regarding the difficulty of attracting the attention of the House to so hacknied a subject as that upon which he was about to address it, said, that the first public discussion at which he had been present after his return from India, was a discussion in another place, upon a measure of his late lamented friend, sir Samuel Romilly, tending to ameliorate the existing state of our Criminal Laws. In the course of that discussion, he had heard it stated, in an excellent speech made in favour of the principle for which he was now prepared to contend, that if a foreigner were to form his estimate of the people of England from a consideration of their penal code, he would undoubtedly conclude that they were a nation of barbarians. This expression, though strong, was unquestionably true; for what other opinion could a humane foreigner form of us, when he found, that in our criminal law there were two hundred offences against which the punishment of death was denounced, upon twenty of which only, that punishment was ever inflicted—that we were savage in our threats, and yet were feeble in our execution of punishments—that we cherished a system, which in theory was odious, but which was impotent in practice, from its excessive severity—that, in cases of high treason, we involved innocent children in all the consequences of their father's guilt—that in cases of corruption of blood, we were even still more cruel, punishing the offspring, when we could not reach the

parent—and that, on some occasions even proceeded to wreak our vengeance upon the bodies of the innocent. If the same person were told that we were the same nation which had first to give full publicity to the defects of our judicial system—that we were the same nation which had established trial by jury, which, blameable as it may be in theory, was so invaluable—that we were the same nation which had found out the greatest security for liberty, the writ of *habeas corpus*, by the act of Charles II.—that we were the same nation which had discovered the full blessings of a representative government, and which had endeavored to diffuse them throughout every part of our free empire—he would wonder at the strange anomalies of human nature, which could unite things that were in themselves so totally incompatible. If the same foreigner were, in addition to this, told, that the abuses which struck so forcibly on his attention were abuses of an olden time, which were rather tolerated, than tolerated, he might perhaps, in his judgment, and confer upon us a more liberal denomination than that of barbarians; but if, on the contrary, he were told, that the influence and authority, learning and ingenuity, had combined to resist the reformation of these abuses as innovations—if he were informed, that individuals, who, from their talents, enjoyed not an artificial superiority, rose to vindicate themselves against these abuses, even the outrages against the dead, and to contend for them against the provisions of the constitution and landmarks of the constitution, he would revert to his former sentiments regarding us, though perhaps condemn the barbarism of the present, instead of the barbarism of the past generation. He would then have liberty of reading to the House a description of the law of England by a native of another country, in which its imperfections were pointedly exposed to public view. A learned gentleman then read a description of which the following is the substance—“The criminal code of England in many respects was admirable, and well adapted for the object which it had in view. Its judges were pure and beyond the reach of suspicion: its trials by the intervention of a jury, open to the censure of an acute



ject, there was something startling in the proposition to those who only thought slightly upon it, which would, perhaps, render his illustration of it not unacceptable. There could not be a greater error in criminal legislation, than to suppose that the mischief of an action was to be the sole regulator of the amount of punishment to be attached to it. For a punishment to be wise, nay even to be just, it must be exemplary. Now, what was requisite to make it exemplary?—that it should be of such a nature as to excite fear in the breast of the public. But, if it excited any feeling that was capable of conquering fear—for instance, if it excited abhorrence—then it was not exemplary, but the reverse. The maximum of punishment depended on the sympathy of mankind; since every thing that went beyond it reflected discredit on the whole system of law, and tended to paralyze its proper operation. What was the cause of the inefficacy of religious persecution?—that it inflicted a punishment which was felt to be too severe for the offence which it was intended to check: that it had no support in the sympathies of the public; but on the contrary injured and outraged them all. That was the cause that “the blood of the martyr always proved the seed of the church.” People felt that opinions, if correct, ought not to be met by force; and if incorrect, they would sink into oblivion if force were not employed to put them down—“*Opinionum commenta delet dies, naturæ judicia confirmat.*” He thought that the total inefficacy of persecution to check the growth of opinions—a persecution which always made the martyr be considered as a hero, and the law as a code of oppression and tyranny—served also to prove, that laws of undue severity could in no instance effectually serve the purposes for which they were enacted. To ensure them full efficacy, they ought to be in accordance, not only with the general feelings of mankind, but with the particular feelings of the age; for if they were not so supported, they were certain to meet with its contempt and indignation.

The hon. and learned gentleman then proceeded to show, that nothing was more false than the arguments usually urged in behalf of punishments: namely, that the crimes which rendered them necessary were the result of great deliberation. He thought that the con-

trary was the fact, and that in general offenders were hurried away by the strong passions that were implanted in their nature, and that “grew with the growth, and strengthened with the strength.” The law was then most efficacious when it served as a school for morals—when it attracted to it the feelings of all good men, and when it called silently, but powerfully, upon all such to assist in its administration. Now, he would ask, what was the lesson to be derived from a consideration of the criminal law of England? Why, that the man who cut down a twig, or injured a cherry-tree, or stole a sheep, or he would even say forged a note, was as black a criminal as he who murdered his father or betrayed the interests of his country to a foreign enemy. He acknowledged that this conspiracy of the law of England against the principles of nature was not successful. The feelings of nature in the people of England prevailed over the immoral lessons taught by its penal law. That law would be detestable in its success, and was now contemptible in its failure. He had always thought that there was an under-statement of the argument, on the part of those who contended that an alteration in the law was necessary. They had stated, that mitigation of it was principally required by the reluctance of prosecutors and witnesses to come forward to prosecute under the present severe statutes. They had forgotten, however, to state the effect produced on the feelings of the spectators. They had forgotten to state that they rose in arms, not merely against the charge, but against the verdict of the jury, and the sentence of the judge. They had forgotten to state that the law was thus made an object of that abhorrence, which ought only to be attached to crime; and that, instead of resting for its support on the aid of good men, it rested on the fear of the gibbet alone. The hon. and learned gentleman then complained, that under the present system of law, proportionate punishments were not assigned to different offences; and contended, that heavy punishments inflicted on crimes of a smaller degree of delinquency; lessened the effect of it when inflicted on crimes of great atrocity. It was curious to reflect, that lord Hale spoke of England—with reference, of course, to the time in which he wrote—as the country of all others in

that resolution it was his duty, perhaps at an earlier period in the present session, to have called upon the House to carry into execution. Circumstances, however, which he would not trouble the House by detailing, had prevented him from bringing the question under their consideration until the present moment; and he should not even now proceed to the discussion of it, until he had called their attention to another case, which was almost as bad as fraudulent bankruptcy. He had, by some accident or another, seen that a bill was now under consideration in another place, for a new regulation of the law of marriage. He approved of that bill, because it repealed the act of the 26th of Geo. II., which was a disgrace to the English law, as it established the principle of voiding marriages, and thereby enabled any heartless profligate to spread misery through families, and to rob them of their just inheritances. In 1820, he had attempted, but in vain, to obtain the repeal of five capital felonies created by that act. He was happy to see that they were abolished for ever by the bill to which he had just been alluding. When he ventured to propose their abolition, he was censured and abused, as a rash innovator who was anxious to destroy the principal provisions of an act which guarded the sacred institution of marriage. Not only had his bill been strongly reprobated in parliament, it had also been attacked by much eloquent declamation out of it. But still, in spite of the opposition which it had encountered in parliament, and the mingled powers of argument and ridicule that had been brought to play upon it elsewhere, they now found that those from whom such an admission was least to be expected, admitted the principle on which it rested, and agreed with them, that the best mode of giving efficacy to the laws was, to diminish their undue rigour. They had therefore obtained this advantage, that their very opponents recognized the justice of the principle on which they acted—"Graiâ pandetur ab urbe." By the delay, of which he had unintentionally been the occasion, he had gained in his favour the authority of those who were the enemies of innovation in their own, and of reformation in his language. If, therefore, in the course of the debate, any hon. gentlemen should taunt him with being an innovator, and with entertaining desires to overthrow the constitution, he

should reply to them by saying: "I appeal to your own patriarchs. I appeal to the leaders of you and I say that their decision is against your teeth and in my favour." On distinct occasions—first, on respecting fraudulent bankruptcies, and on this, their new law of marriage, they have solemnly pronounced that the best method of increasing the efficacy of the law is by abating its rigour. Why, then, taunt me as an innovator, when, if I do innovate, I do so under the sanction of your fathers and teachers?"

The hon. and learned gentleman proceeded to observe, that, in what had been told, that the abstraction which he then brought forward was calculated to paralyze the laws, and suspend their operation. None of that kind had occurred. In no year after year had such a prediction been made, and year after year had been falsified. Whenever the question was brought forward, this self-same prediction was made to it, and the interval elapsed between the time of disavowal always showed that there was the slightest weight in it. Standing before, upon the decisions to which the House had so repeatedly come in years, he would contend, that if it was a case in which it was bound to serve its own consistency, it was bound to which he was at present speaking. He had before admitted, that there was too much rigour in the present state of the law, and that the best mode of relief was to abate it. What was it that he now proposed to propose to them? He would answer the question as shortly as possible. Adhering to the principles formerly laid down, he felt himself bound upon to submit to the House, first, a proposition which would be a recognition of the propriety of particular measures which the House formerly thought it right to adopt; secondly, a proposition which would carry it somewhat further, and in which should embody such small additions in detail, as would lead those who blamed him to blame him for lukewarmness rather than for rashness—for an error of efficiency, rather than for an error of principle. Though the propriety of abating the undue rigour of the law had in the authority of all the wisest men, he had either written or spoken of

less than one-third. He did not attribute this variance entirely, but he certainly did trace it in a very great degree, to the difference between the French and English criminal codes. He denied that the fact warranted any inference of the superior morality of the French over the English character. With regard to the police, as far as related to the prevention of crime, it had been not at all improved in France during the last nine years; while in England it had been improved considerably. He traced the difference mainly to the ill effect of the English criminal code: he believed that if France had lived under the same code as England, she would have had as many convictions; and he thought that the example of France authorized him at least to use this argument. If the House would not believe that great good could be done by lessening the catalogue of capital offences, it must, at any rate, admit, that no evil was to be apprehended from such a course. The hon. and learned member said, he should next state to the House the resolutions which he intended to move. With the substance of those resolutions, the honourable gentlemen on the other side were acquainted. What those gentlemen themselves had to propose, he did not know. His first resolution would declare in general terms, that it was expedient to take away the punishment of death in a certain number of cases which would be specified; he should then move to substitute, in those cases, the punishment of transportation or imprisonment; and he should add two resolutions, of which he trusted the House would approve—the one recommending, that judges should not pronounce sentence of death in cases where they had no expectation of such sentence being carried into execution; and the other doing away the forfeiture of goods and chattels, and the indignities offered to the dead body in cases of suicide. The cases in which he proposed to take away the punishment of death were these. He should put his resolutions into such a shape, as to found a bill eventually upon each resolution. The cases as to which he proposed to take away the punishment of death were; first, those three classes of offences with respect to which bills had so often already passed the House; namely, larceny from shops, from dwelling houses, and on navigable rivers. Secondly, he

should touch all the felonies contained in the Black act, except the wilful setting fire to dwelling houses, and the maliciously shooting. His next resolution would embrace the five felonies created by the Marriage act. Afterwards, he should come to all those capital felonies proposed to be done away by the committee on criminal law; the measures which he was thus proposing, having in fact already received the assent of the House of Commons, although they had been lost in the upper House. And he should besides move resolutions with respect to the crimes of forgery, and uttering forged instruments, and other capital offences, viz.; horse-stealing, sheep-stealing, and cattle-stealing. Upon the subject of the larcenies from shops, dwelling-houses, and on navigable canals, he had a few observations to address to the House. The execution under those laws for the last fourteen years had been, compared with the convictions, just one in sixty-six; and it had been very truly said, that they operated as a surprise upon the sixty-sixth man, who suffered, but not at all as a terror or warning to the sixty-five who escaped. In fact, a law under which one criminal out of sixty-six was executed was a law to all practical intents and purposes given up; and the execution of the sixty-sixth man was nothing else than a wanton and criminal waste of human existence. He objected strongly also to the principle of making the amount of property stolen any criterion for the punishment inflicted upon an offender. There was no greater moral depravity in stealing a large sum than a small one, nor was it fit that the treasures of the rich should be more strongly guarded than the comparatively small possessions of the poor. He was far from imputing this sentiment to the legislature, or to the judges, as a sentiment inconsistent with equal justice; but laws should not only be just, they should appear to be just; they should not only not be unequal, they should be above the suspicion of inequality. There was the less reason for inflicting a great punishment in proportion to the amount of property stolen, as persons in possession of larger property had also better means of securing it. Another objection to making the amount of property stolen a criterion of guilt and punishment was that it opened a temptation to the pious frauds under which juries, from

humane motives, so often violated their oaths, by verdicts of acquittal. The mind easily persuaded itself, that there was no great immorality in undervaluing a little the property stolen, and compassion would, in such cases, induce juries to violate their most sacred duty; whereas, if the punishment were dependent on substantial facts and circumstances instead of the amount of property, they could not hesitate to convict. And, while he was upon this subject, he would make one observation upon the statute of the 1st George 4th, which, as it had originally passed the House of Commons, took away the punishment of death for stealing privately in a shop, and in which the lords had made an alteration, changing the felony from an amount of 5s. to an amount of 15l. Now, the constant observation made, in justification of the old law was, that it was necessary to protect the small property of poor traders from general depredation. A noble and learned lord had said, in the other House of Parliament, that the statute, which made the offence of privately stealing in shops to the amount of 5s. capital, was the great safeguard of the retail trade of the country. The whole retail trade of the country, then, was abandoned by the 1st of George 4th; all the property of poor traders was given up to depredation by that act which raised the amount from 5s. to 15l. In shops, however, attached to dwelling-houses, which was so in 99 cases out of 100, although the offence could no longer be prosecuted under the statute of William, it might be prosecuted under the statute of Ann, if the sum stolen exceeded 40s.; so that the statute of George 4th raising the sum to 15l. was, in effect, reduced to a dead letter. He did not, in stating this fact, arraign the legislature, or the construction which had been adopted by the judges; but he stated it as an additional reason for repealing that statute.

The next resolution repealed the offences in the Black act, with the exceptions which he had already stated to the House. Honourable members need only read the preamble of this statute to be convinced of the expediency of such a repeal. The preamble stated, "That whereas certain persons called Blacks go about with their faces disguised, &c." Now, he would ask, whether there ever was a law which more completely bore upon its face the marks of a temporary enactment?

Were there any persons from whom any danger depended at the present time, not, what did the existence prove, but the unfortunes with which bad laws were adhered to? He might be said, that this act was by the act of Geo. 2nd. Instances should be recalled that act was made perpetual at the end of the year when bills were much less than they were at present, and a remarkable circumstance a few months before—he might mention a letter sent by a noble lord to the duke of Marlborough in regard to the repeal of the act for offences arising out of the act, he did not think he could make any further observation. He did more than merely mention the act of 21 Jac. 1st relative to sheep stealing; of 6 Geo. 2. cutting down banks of other statutes enumeration, which he proposed for the next offences, the capital offences, which he proposed to repeal, sheep stealing, horse stealing. With regard to the act, it was a remarkable fact that the culture and pasturage of the country, their greatest prosperity was in 1740, when the statute was passed for the punishment for this offence. Now, if such had been the state of the country in many centuries, would it not have been an enactment necessary? In point of fact, the country made it necessary; ever; for the quantity of ground was much greater than it had been during the last century; facilities for sheep stealing were formerly so great, that consequently the necessity of inflicting the severe punishment must acknowledge that the act for horse stealing had the antiquity on its side. It was the property which it possessed, and the respect of which he had mentioned. The average proportion of convictions in these offences was one in thirty; a proportion which, in his opinion, decisive against the repealing the existing law.



degree of moral certainty could any man desire, in the ordinary transactions of life, than the probability in his favour of thirty to one? And he would ask, whether any man about to commit a crime was likely to be deterred by the infliction of punishment in one case out of thirty? The selection of a particular case for punishment depended upon circumstances the most fluctuating and unsteady; such, perhaps, as the particular temper and opinions of the judge, the peculiar necessity which might exist for making a signal example in some particular district, or the importunities which might be made to the judge for the purpose of protecting property, on his leaving the assize town. All these were circumstances which might influence the administration of justice at the particular moment, but which, considered with reference to general principles of criminal law, he could not but regard as a complete abomination. That the life of man should depend on temporary or local policy, on the necessities of a particular district, or the interests of particular classes, was a principle utterly inconsistent with justice and humanity, and tending to confound all our notions of right and wrong.—There was another circumstance which characterised these offences. They were offences of an obscure nature, not extraordinary in their character, nor likely to be known beyond the district within which they were committed. They were for the most part committed by necessitous persons, who were probably the objects of compassion to their neighbours; and they raised no terror, even if they extended beyond the district in which they were committed. This was the very reverse of the properties of a good punishment. It excited compassion where it ought to produce terror, and it was either unknown, or observed with indifference, in other quarters.

The next resolution declared the expediency of repealing the capital punishment for forgery—a resolution deeply interesting to the policy of public justice, and not inconsistent, he trusted, with a just and commendable regard for the protection of the commercial interests of the country. Having stated, on a former occasion, at considerable length, the grounds upon which he proposed a repeal of the capital punishment for forgery, it was the less necessary for him to occupy much of the time of the House on the

present occasion. The House would learn with great pleasure and gratitude to the authors of the act for the resumption of cash payments, the moral effect of that measure, in causing an abatement of the offence of forgery. In the year 1821, 122 persons had been charged with the crime of forgery, 76 had been convicted, and 16 had been executed; 1822, 63 had been charged with the offence, 36 had been convicted, and only 6 executed. Here was a diminution one half in the number of persons charged and convicted; and, what was more important, a still greater diminution in the number of persons executed. He conceived, therefore, that the crime of forgery on the Bank might be considered as a crime no longer existing, and with regard to private forgery, he was more and more convinced, for reasons of a particular nature derived from the circumstances of those who committed the offence, that it would be most expedient to take away the punishment of death. The offence was generally committed by clerks living in habits of familiarity with their masters, by persons living under the protection, and frequently by relations, of the parties on whom it was committed, and who were consequently absolutely, and entirely restrained from prosecuting, by motives of kindness and humanity. It could not be denied that in the course of the last ten years, capital punishment had excited so much odium, and rendered the administration of public justice so unpopular as that cases of forgery. The people of England were, in former ages, conspicuous for their attachment to the laws of the country, even in periods of convulsion and civil war; but the numerous executions for forgery had done more than any other single circumstance to alienate the public mind from the administration of the criminal law. He proposed, therefore, to take away the capital punishment in this case, and by that means to restore the attachment and veneration which the people formerly entertained for the laws of the country.—With respect to secondary punishments, their expediency would shortly come under the consideration of the House, when an hon. friend of mine should bring forward his motion on the subject of transportation. He could not help congratulating the House, however, on the discovery of a species of hard labour which had hitherto been attended

with such salutary effects. He alluded to the punishment of the tread-mill. Like every thing else, it was liable to abuse. He had read with pleasure a work written by Mr. Roscoe, on the criminal law. His great talents and extraordinary accomplishments had acquired for him a deserved reputation throughout Europe; but he (sir J. M.) thought that he had been a little biassed by misdirected humanity in his hostility to severe secondary punishments; since they seemed to him (sir J. M.) the only road by which we could escape from capital punishments. What contrivances might hereafter be invented to accommodate secondary punishments to the various gradations of crime, it would be absurd to anticipate. But while endeavouring to persuade the House to abandon capital punishments, he could not, without inconsistency, recommend it to relinquish those of a secondary nature. The hon. and learned gentleman said, he hoped he should be able to satisfy the House, that his two last resolutions were not at variance with the general principle he had laid down—that general principle being, that the criminal law could never be effectually administered, but when it was in perfect unison with the moral feelings and sympathies of the people. He would apply it to the momentous circumstance of pronouncing sentence of death. The ancient forms of the criminal law were impressive and instructive; but of late, from the hurry of the proceeding, and the frequency of the repetition, the awful ceremony of passing sentence had lost much of its effect. The condemnation of a fellow-creature to death for a long time retained its solemn and dignified character, even when every other part of the proceeding had dwindled into coldness and indifference. Now, however, the sentence of death itself was reduced to a contemptible frivolous, and even ridiculous ceremony. Ten-elevenths of the persons condemned to death never suffered; yet, in every case, the terrors of religion, and the dictates of morality were called in aid, while the spectators, and even the prisoner himself, knew the whole to be a mere mockery. He did not, of course, mean to blame the venerable judges who passed the sentences. Many of them, he knew, lamented the folly which the rashness of the legislature compelled them to practice. About two years ago a petition on this subject was presented from Exeter, in which it was

stated, that out of forty-thr demned to death, no less th had been reprieved; so that quency of the vain repetition sentence of all the solemn otherwise possess. He was the contrivances which some had resorted to to escape; but failed, and the very attempt increased than cured the evil.

For some of the plans sugg resolutions, he had the sanc authority; but if they should proved of by the House, other tionable might be introduced able and learned members, mately conversant with the pra criminal courts. Upon the relating to suicide and high wished to make a few brief ren punishment inflicted in a cas was rather an act of malignan folly. It was useless as re dead, and only tortured the li honourable member for Ipswic notice of a bill regarding the course pursued in cases of suic years ago he (sir J. M) had p self upon the point, and ha brought forward the measure of events at that time occ which might mix the question ters of a political nature. In tion, or in any bill to be foun by himself or others, he did n touch the subject of confiscati treason. Had he done so, h he should have excited a c should have been told, that posing an innovation upon tl tion—that he was suggesting never heard of before; thou undeniable fact, of which hon ought to be aware, that, e England, that part of the pun high treason had been abolish out the civilized world. A c it had been repealed in Hollan not less than fifty years ago: Spain, the German confeder the United States of America likewise unknown. Never should not venture to touch it. should propose to abolish the goods and chattels in cases It seemed to him that if tl punishment peculiarly unjust, where in fact the innocent the guilty. The principal hur of suicide certainly was the

those for whom we were bound to provide—whom nature and society recommended to our care. What did the law of England do in this case? It stepped in to aggravate the misery, and perhaps to reduce the fatherless to beggary: it wrested from them the bread they were to eat; in short, it deprived them of their last and sole consolation under their affliction. It was to be observed, that the forfeiture only applied to personal property—it affected small savings chiefly, for large fortunes were generally laid out in land; so that it left untouched the possessions of the great. Before he proceeded further, he wished to draw the attention of the house to the indignities offered to the dead in cases of high treason. In the only case, since the reformation of the law, the man who inflicted the indignities was obliged to disguise himself, that he might not be exposed to the abhorrence of the spectators. On the occasion to which he alluded, the crowd evinced no symptom of dissatisfaction, until the bloody head was held up to public gaze by a man in a mask. It was the first time the law of England had been carried into effect by an executioner in disguise. This person had been called in as a skilful dissector; but, so great was the disgust at the barbarous operation, that concealment was felt to be necessary.—With regard to the outrages committed on the dead in cases of suicide, he had some doubt whether they were warranted by the law of this country. He had looked into all the text books on this point, and he found no mention of it in Hawkins, a very full writer, not only on the law, but on the practice of his time. There was no mention of it in sir M. Hale, sir E. Coke, in Stamford, Fitzherbert, or Bracton. They all spoke of the forfeiture, but said not one word as to the mode of interment. There was no authority for the legality of inflicting these outrages, except the unsupported assertion of Blackstone. That learned commentator made indeed a confused reference to Hawkins, but Hawkins supported him only in the forfeiture, and was perfectly silent on the subject of interment. But he surrendered the legal question to any gentleman who thought he could gain a petty triumph upon it; for it might, by long custom, have grown into law, though only the remnant of barbarous institutions. The question was, whether it ought to be continued? First he would ask, in what light he was to consider it? If as a punish-

ment, it was only such to the survivors—if it were meant as a punishment to the dead, what sort of punishment was that where there had been no trial, and what sort of trial where there had been no defence? In the second place, the law operated with the greatest inequality. Verdicts of insanity were almost always found in the cases of persons in the high stations of life: where self-slayers were humble and defenceless, there *felo de se* was usually returned. This might perhaps be accounted for, without any imputation upon the impartiality of juries. First, because persons in high life had usual better means of establishing the excuse for the criminal act. Secondly, because suicide was rarely the crime of the poor classes occupied with their daily labour. It was the effect of wounded shame; the result of false pride, and the fear of some imaginary degradation. Thirdly, the very barbarity of the law rendered it impotent for juries would not consent that the remains of the dead should be thus outraged if they could find any colour for a verdict of insanity. He would ask any gentleman, whatever were his opinions as to the moral turpitude of suicide, whether it was a crime that ought to be subject to human cognizance. It was an offence the very essence of which was to remove the party from all human cognizance, and the law of England was, he believed, the only law which attempted to stretch its authority beyond the bounds of humanity to include an offence of this kind. The Roman law, with regard to this subject, was very remarkable. It inflicted the punishment of confiscation in all cases of suicide, committed to evade confiscation which would have been the consequence of conviction for other crimes. This was perfectly just; and it was observable, that the Roman law, not content with silence on this subject, expressly excepted all other cases of suicide from any punishment. In the best age of Roman jurisprudence there was a rescript of the Emperor Antoninus in these words—"Si quis tacite vitæ, vel impatientia doloris vitam finire successorem habere rescripsit Divus Antoninus." The Roman law on this subject of which this rescript was confirmatory, might serve to illustrate a beautiful passage of Virgil, which had a good deal embarrassed the commentators, in which he described that unfortunate class of persons who have terminated their own existence:—

“ Proxima deinde tenent mœsti loca, qui  
sibi lethum

*Insones* peperere manu, lucemque perosi  
Projecere animas. Quam vellent æthere in  
alto

Nunc et pauperiem et duros perferre labores !  
Fata obstant, tristisque palus inamabilis undâ  
Alligat, et novies Styx interfusa coerceset.”

The word *insones* had so much embarrassed some of the commentators, that they had endeavoured to get rid of the difficulty, by proposing the very opposite sense to the ordinary meaning of that word; but there could be little doubt, that that great master of poetic diction, whose delicacy and propriety in the choice and combination of words were unrivalled, had used this expression with reference to the distinction recognised by the Roman law, between criminals who were guilty of suicide, and those who were untainted by any other offence. There was scarcely any thing which tended more to display the finer feelings of the human mind, than the anxiety of heaping honours upon the dead—of attempting to bestow life upon that in which the natural life was gone; and he knew of nothing which tended so much to keep alive those affectionate and kindly feelings as to pay this respect to the remains of the dead. It was, in fact, one of the safe-guards of morality, and as such could not be interfered with, without the most dangerous consequences. He who could treat the remains of humanity with indignity, or could approve of its being so treated, he could regard in no other light than as being guilty of a very close approach to cannibalism. The opposite of this kindly feeling was the crime of cannibalism, which just in proportion as affection sought to prolong the duration of man, hastened his decay. Alive to this barbarity, which was perpetrated only by man in the lowest and basest form of the savage state, and when his worst passions were roused, were those cannibal inflictions upon that which could not suffer. It was because they were not only at variance with all the kindly feelings of our nature, but because they neither did produce nor could produce any beneficial effect, that he said the remains of this practice in the case of treason were remains of barbarism, and as such called for immediate reformation. If to conduce to humanity was the use of all criminal law and all punishment—and if this was not its use, he knew not what it could be—then a tenderness for the remains of the

dead would have a far more than all the unmeaning cru could be inflicted upon them. say nothing of the influence opinion ought to have in th of the criminal law, and the balancing of crimes and There were some who thought liament should not be in any by public opinion: but, it see that on such a question it was value. If public opinion con severity of the law, either it w executed at all, or not with such a subject we ought to ap feelings of men; and it would us not to do so. For what he was the use of criminal their intention, and what the e ject of punishment, if it was serve alive all the good and kin of men? How again, he woul we to ascertain when the gre was produced, but by an appe feelings? No law which did such an appeal could be wi would even the fondest advoc present state of our criminal la it did contain any such appea we awarded the punishment of crimes of the blackest descrip the feelings of men went along The parricide, the murderer, th of his country, might all suffer est punishment, and the feelin went along with it; but woul say, that these feelings were n and outraged, when the same p was awarded for the cutting a cherry tree, the stealing of a even the forging of a bank i continuance of the crime show penalty of the law had not which was intended, and the d the cases showed that the law o altered. He had devoted his long and carefully to our pre and the more he had done so, was he convinced that it requ brought more into accordanc feelings of men. He would the penal laws of his country i sentative of the public consci would array it with all the awful to be derived from such a co He would make it the fruit of r timent, in order to render it the public discipline. He would feelings of all good men against gerous criminal, and would pla



that moral solitude where all the members of society should be opposed to him, and where he should have nothing to plead for him but that pity which added weight to his punishment, by showing that it was pure from every taint of passion or partiality.—The hon. and learned gentleman sat down, amidst the cheers of the House, with moving the first of the following resolutions :

1. "That it is expedient to take away the punishment of death in the case of larceny from ships, from dwelling houses, and on navigable rivers.

2. "That it is expedient to repeal so much of the statute 9 Geo. 1, commonly called the Black Act, as creates capital felonies, excepting the crimes of setting fire to a dwelling house, and of maliciously shooting at an individual.

3. "That it is expedient to repeal so much of the statute 26 Geo. 2, c. 33, commonly called the Marriage Act, as creates capital felonies.

4. "That it is expedient to repeal so much of the statute 21 Jac. 1. c. 26, relating to fines and recoveries; of 6 Geo. 2, c. 37, relating to cutting down banks of rivers; of 27 Geo. 2, c. 15, relating to threatening letters; of 27 Geo. 2, c. 19, relating to the Bedford Level; of 3 Geo. 3, c. 16, relating to Greenwich Pensioners; of 22 Geo. 3, c. 4, relating to cutting serges; and of 24 Geo. 3, c. 24, relating to convicts returned from transportation, as subjects persons convicted of the offences therein specified, to the punishment of death.

5. "That it is expedient to take away the punishment of death in the cases of Horse Stealing, Sheep Stealing, and Cattle Stealing.

6. "That it is expedient to take away the punishment of death in the cases of Forgery, and of uttering forged instruments.

7. "That in the case of all the aforesaid offences, which are not otherwise sufficiently punishable by law, the punishments of transportation for life or years, or of imprisonment with or without hard labour, shall be substituted for death, in such proportions and with such latitudes of discretion in the judges as the nature and magnitude of the respective offences will require.

8. "That it is expedient to make provision that the Judges shall not pronounce sentence of death in those cases where they have no expectation that such sentence will be executed.

9. "That it is fit to take away the forfeiture of goods and chattels in the case of Suicide, and to put an end to those indignities which are practised on the remains of the dead, in the cases of Suicide and High Treason."

The above resolutions being read, and the first of them put from the chair,

Mr. Secretary *Peel* rose. He began by reminding the House of the extent to which the resolutions, nine in all, went namely, at once to do away with capital punishments, in a great variety of offences to which those resolutions referred. The first suggestion which he would make to the House upon them would be this—were they not of sufficient importance to require a distinct and separate consideration, and whether the hon. and learned gentleman ought not to have taken the ordinary course of asking leave to bring in a bill upon each of the divisions of his resolutions, rather than have had recourse to the mode which he had taken? For only let the House consider into what inconveniences it might be drawn. By assenting to the resolutions of the hon. and learned gentleman, it would affirm all the propositions laid down in them; and if it allowed a bill to be brought in pursuant to those propositions, the result might be, that finding the bill not worthy of being supported throughout, it would feel itself compelled to abandon it. While the resolutions professedly followed the report of the committee on criminal law, it took in cases not referred to in that report. There was the offence of sheep cattle, and horse stealing, not referred to in the report, in which the resolutions proposed to do away the capital punishment. That the hon. and learned gentleman had been misled by the report was plain; and being so misled as to facts and cases wholly omitted in that report, which he made without any notice given to the House of the objects of his resolutions, was it fair that they should be called on to give a distinct opinion upon so many important alterations of the law? Suppose the House to affirm the resolutions that night, and afterwards to find themselves unable to assent to the bills brought in pursuant to them, would not that be an inconvenient situation for the House to be placed in? Was there nothing inconvenient in the rejection of a bill brought in to remedy defects, which, as the Journals of the House would show, had been fully and clearly admitted? He

would show, that as this course was the most inconvenient which could be taken, so his objections to it were most sincere. When the hon. and learned gentleman proposed, in the last session of parliament, that the House should pledge themselves to this reformation of the criminal code, he had opposed it, because he thought that experience had done enough to convince them of the inconvenience of entering into any engagement as to what would be the conduct of a future session; and what had since passed had not tended to weaken the impression. When he opposed himself to giving that pledge, he proposed to take into consideration the whole question of the criminal laws, and to have the alterations projected stated specifically to the House. That was a pledge which he was now ready to redeem. He conceded the proposition of the necessity of some amendment. There could be no necessity for him and the hon. and learned gentleman to debate that point. The real question between them was only as to degree. At a very early period of the session, he had acquainted the hon. and learned gentleman, that he was ready to state the views of his majesty's ministers, or even to originate the measure by which those views would have been carried into effect; but, as the hon. and learned gentleman had brought forward the measure, he was unwilling to take it out of his hands.

Before he went into the detail of what his majesty's ministers intended to propose, he would briefly advert to one or two of the topics in the speech of the hon. and learned gentleman. One of the hon. and learned gentleman's greatest objections to the present state of the law was, the disproportion of convictions and executions, and he seemed to think a more fixed proportion between offences and their punishments indispensable to the proper administration of justice. Now, if he meant so to apportion punishments that certain crimes should be equitably visited with certain degrees of punishment, which should always be carried into execution, undoubtedly the hon. and learned gentleman would meet with perfect disappointment in his pursuit of that object. He was ready to allow, that the law was not perfect. He was not such an advocate for the existing law as to say that there was not upon the Statute book any clause which ought to be altered; but neither could he agree with those who

thought that the whole criminal law of England was faulty. It was in his opinion, be impossible to enact a code of laws which would do away with the necessity of a discretionary part of the executive; and this, he would request the House to consider at those crimes which the hon. and learned gentleman had not intended to touch. One of these was the crime of murder. One crime of no common enormity had, in the sixteen years previous to the year 1820, been sixty-five cases convicted for that crime; a number of executions had only been 31. Here was as aggravated a crime as any which could be perpetrated, atrocious in its nature, that the hon. and learned gentleman would not remove the capital punishment. The executions did not amount to one-third of the convictions. There was a great deal of shooting, stabbing, and poisoning, with intent to kill. What more atrocious offence could be named? And so dark a character, that the hon. and learned gentleman refused to remove from capital punishment. In the sixteen years there had been 189 convictions and only 58 executions—not a proportion of one-third. This was a crime which the executive felt itself obliged to consider the circumstances narrow, and to apply the punishment according to the crime left untouched by the hon. and learned gentleman was the glory. Of this there had, within the sixteen years alluded to, occurred 240 convictions, of which 239, or less than one-tenth had suffered the punishment of death. Taking of the most aggravated offences, such as burglary, murder, rape, there were within the sixteen years to which he alluded, been one execution out of ten convictions. Would it be to take away the discretion of the executive, these punishments had been taken away; or could they hope to have a law so precise in all its provisions as to substitute it with effect? He would refer them to the sentiments of Mr. Bentham respecting the capital executions. The executions were about to take place in 1780, curious to see what numberless that great man urged for mercy, which yet were no good law. He was pleading for the year 1780, in a letter to sir Grey Coote, he particularly advised a se

cases. He did not quarrel with the punishment of death. He admitted that there must be executions, and recommended that they should not exceed six in all. His first ground was, that the chief delinquents had escaped: his second, that those convicted were, in the main, ignorant of the law, which, though the law itself needed not therefore justification, must be held as a great and powerful argument in favour of extending mercy. His third ground was, the remissness of government on the occasion, and the absolute impunity which attended but a little while before similar outrages in Edinburgh. Now, which of all those contingencies could have been anticipated in the framing of the laws by which the rioters were punished? The fourth ground was one, which it was still less possible for the legislature to have contemplated. It was the conduct of the lord mayor, who, as Mr. Burke said, was not only remiss, but was himself an active accomplice in the riot. That great and wise man felt convinced that the integrity of the law might be preserved, and yet the merits of individual cases be duly considered, and their punishments meted out to them accordingly. He urged other considerations: the vast concourse concerned—that the convicts were not the ringleaders or principals in the riots—their youth and sex, and even the high state of intoxication in which some of them were taken. He (Mr. Peel) adduced this to prove the difficulty of taking away the discretion of the judges, and to do away any suspicion of the deficiency of the laws, inferred from the disproportion between the number of convictions and of executions.

The hon. and learned gentleman had adverted, not very fortunately, to the opinion of foreigners upon this circumstance in our laws, and wrongly imagined that they would infer a disposition to barbarity which the tribunals would not dare to put in execution. Now it happened, that the very case had occurred, and had been remarked upon by no less an authority than Montesquieu, who had said, that in those countries where robbery was inevitably punished with death, murder was its certain accompaniment. In China robbery was always punished capitally. The consequence was, that robbers always endeavoured to cut off by assassination, the persons who were most likely to convict them. In Muscovy, the same writer ob-

served, there was a distinction taken by the law, and there were fewer murders. In England it was the same; and the remark of Montesquieu was, that the discretionary application of the punishment *lettres de grace*, as he called them, stood in the place of the distinction of the law in Muscovy; and the general inference he drew was, that in absolute states, there must be equal punishments unerringly inflicted, and then the laws were upheld by their uniform terror. Whereas in moderate states, as in that of England, where the robber might look up to the grace of the sovereign if his offence were not aggravated, it was found that he did actually reckon upon that mercy, and acted on it, and so murders were not done. Here was an illustrious foreigner who, so far from objecting to the discretions left in the application of the chief penalty, actually approved of it in moderate governments. He could not after this, be expected to concur with the hon. and learned gentleman in his view of the question. There was another point to which he would advert. The hon. and learned gentleman said, that with regard to horse-stealing, he would not leave the law in a vague and uncertain state, because, wherever any part of the country was in alarm on account of offences of this sort, the culprit would certainly be hanged, and in other places, where there was no such common dread to actuate them, the judges were very likely to remit the chief punishment. Why, this seemed to him to be the very principle of sound law. It might be hard to say to a man, that his life should be valued at a particular rate, depending upon local or temporary expediency. But this was the very reasoning upon which law was founded. On what other ground could they pretend to inflict capital punishments? It was not that they, in the deficiencies of human nature, were able to determine that which could only be effected by a tribunal above—the exact degree of moral turpitude attached to each particular offence. But while mankind were constituted as they were, having to struggle with all the imperfections of their senses, this was the last mode which legislation could devise for the preservation of civil order.

He would now come to the specific propositions of the hon. and learned gentleman, and show how far he was able to concur in his views. He would take the divisions of the report of the com-

mittee of 1819, in preference to those in the resolutions. In the report, there were four divisions of cases. The first was of the cases of crimes recommended by the committee to be left as misdemeanours at common law. Of these there had been 12 liable to capital punishment; four out of this number had been already repealed, and he proposed to do away with the capital punishment in the other eight. Most of them were crimes made capital by the Black Act. He admitted that it would be advisable to secure a better sanction for the law, by removing those penalties which could hardly ever be enforced. The second class consisted of offences of so malignant a nature, that if they actually occurred, nothing less than death could atone them. The next case was that of acknowledging and assisting in obtaining a fine, and recovery; the next, helping in the recovery of stolen goods; the next, maliciously killing or wounding cattle—an offence of a highly aggravated character, and of very unfrequent occurrence. He thought this last one peculiarly well calculated for the experiment proposed. The malignity which impelled to such a deed, no doubt, deserved death; but it might be better to add to the solemnity and efficacy of the laws by repealing it. In sixteen years, there had been only two convictions for this offence. It was a crime difficult to prove: it was necessary to prove malice against the owner of the cattle, when it was obvious that there were many safe modes of doing him much more mischief open to such malice. The next case was that of cutting down trees, in which, in sixteen years, there had been but two convictions and one execution. The punishment might be changed to transportation. If offences should be found to multiply in consequence, it was only for the House to reconsider the question. With regard to No. 8, in this second class, he could not help regarding it as a strange anomaly. It awarded the punishment of death for the cutting down of the banks of rivers. Now, he had looked into sundry canal bills, to the number of fifty or sixty, and in not one of them had it been thought necessary to insert a clause making the cutting down of banks a felony; and yet canals were, from their nature, their use, and the situations in which they were made, much more hazardous than the banks of rivers. Canals were made in high grounds, where, upon the bank being cut, an inun-

dation might be the consequence. Rivers, from their position, in parts of the districts through which they passed, could be productive of a dangerous result. At any rate, the punishment ought to be equal; and the smallest penalty ought not to be applied to the highest degree of offence. The four Level Act felonies were proposed for repeal, however proper it might have been at the time of their enactment. Sending threatening letters was a case in which the law was anomalous. A man might charge another with the commission of the most heinous crimes, to extort money, and yet only a transmittable offence. Sending directly for money, or for goods, was an offence made capital by the law, but it was made punishable with death only in the case of a man personating a Justice of the Peace. There could be no reason for this, and the punishment should be equally applicable to the personating of a Greenwich Pensioner. It was another capital felony which he proposed to be repealed. The agents of government ought to be sufficiently cautious in their concerns to render the punishment of death unnecessary. The last case in which he proposed alteration, was cutting of serges, in which the punishment should be remitted. Acknowledging and proving a fine, and recovering, making false entries in books, and helping to the recovery of stolen goods, the penalty of which he proposed to be remitted. He next came to the case of larceny. The stealing from shops, and the stealing on navigable rivers, and on canals, he was inclined to think might be properly the subject of alteration, and that as to them, the punishment might be remitted. The material of all the cases of larceny was stealing in a dwelling-house to the value of 40s.; and as he could not see any difference with the other offences of the same kind, he was not prepared to say that there ought to be any alteration in the law. There were, within the last few years, too many proofs of the prevalence of that offence, even under the most aggravated circumstances, of confidence men robbing their masters to a large amount. "The law of larceny," said Justice Blackstone, "has so long been a tender regard to the sanctity of a man's house, that it still remains a castle, and will never suffer it to be violated with impunity: agreeing with the sentiments of antiquity, expressed in the words of Tully



enim sanctius, quid omni religione munitius, quam domus uniuscujusque civium?" He was not therefore prepared to remit the capital sentence in cases of larceny in a dwelling-house. On reference to the returns, it would appear also, that the number of executions for this offence had been increasing. Instances there had been of servants who had robbed their masters of the whole of their property. This was a crime of a most dangerous tendency in a commercial country, and subversive of that confidence which ought to subsist between the master and the servant.—He was fully aware of all the arguments arising out of the unwillingness of prosecutors and witnesses to come forward; but he thought that inferences much too wide had been drawn from that circumstance. The trouble of attendance, and the expenses of the prosecution, were circumstances which pressed on the minds of prosecutors, and must have no inconsiderable share in producing that disinclination to prosecute, the whole of which was attributed to the severity of the law. Again, as to the frequent findings of juries, that goods of the actual value of 40*l.* or 50*l.* were of the value of 39*s.* only. The hon. and learned gentleman argued on that, as the effect of humanity overpowering the regard which the juror ought to have to his oath. But in the evidence, the answer of Mr. Shelton to a question which involved the whole of the subject, accounted for many of those findings. That gentleman stated, that often when property was stolen, perhaps to a very large amount, it might not be possible to prove that the whole was stolen at one time, and therefore the finding of the jury was in such cases correct. As it was notorious to prosecutors, to witnesses, and to jurors, that if there were no aggravating circumstances in the case, the law would not be carried into effect, he did think that this answer of Mr. Shelton truly explained the great majority of the cases alluded to. As in the whole of these cases of larceny, it appeared there was no difference except in the single instance of stealing in dwelling-houses to the value of 40*s.*, he could not arrive at the conclusion, that the capital punishment ought to be remitted.

The only other class of offences was that of forgery, on which he was certainly not prepared to bring in any bill to alter the law; and he thought the hon. and learned gentleman had laid too much

stress on what he had stated as the authority of the House on this subject; for it should be recollected, that the bill to which he had alluded was rejected by a majority (certainly not a large one) on the question of its being read a third time. He (Mr. Peel) had certainly not come to the House with any prejudice on the subject, but the speech of the hon. and learned gentleman himself, had convinced him, that no alteration of the law which awarded the punishment of death in cases of forgery was desirable. He had come to that conclusion from the great number of exceptions which the hon. and learned gentleman had himself thought necessary: and from that moment he was convinced that it was not expedient to pass any general law to mitigate the punishment of death in the case of forgery. This was the less necessary from the great diminution of execution. In the year 1822, there had been in England and Wales, only six executions for the offence of forgery; and this he thought might be urged as some compensation for the other evils which had attended the return to cash payments.—With respect to the stealing of horse, sheep, and cattle, he was decidedly of opinion that it would be unwise in the House to fetter itself now with any resolutions on the subject. The same observation he would also apply to suicide. These appeared to him much too important to be thus incidentally disposed of, and were well worthy of a separate measure. He was prepared to bring bills as to the three branches of larceny to which he alluded; or if it was the wish of the hon. and learned gentleman to introduce them, to concur with him, most sincerely as to that reformation of the criminal code. It was also his intention to propose a measure which would go to relieve the judges from passing sentence in those cases in which it was not like the law would be carried into execution. There occurred, perhaps, forty or fifty cases of crimes of every different shade for which, at the end of the sessions, sentence was indiscriminately passed. It was desirable to preserve the distinction between crimes, and not to lower the effect of the solemn sentence of the law by this indiscriminate application of it. The measure which he should propose would not be any invasion of the prerogative of the Crown, as the judges would only be required to enter the sentence on the

cord on which doubt might arise.—On the subject of increasing the efficacy of secondary punishments, it might be observed, that at present we had transportation to Botany Bay, but that from change of circumstances in the colony, it was now extremely difficult to make a punishment of sufficient severity. As to the hulks, though abuses might have heretofore existed, he was, from a full consideration of the subject, assured, not alone that these abuses had ceased, but that such a system of punishment, operating in confinement and labour on the public works, had, as far as it went, a beneficial tendency. There were at present 3,000 persons confined in that way. Considerable improvements had taken place in the management of our gaols; but though the efficiency of the tread-mill was acknowledged, yet it was not a species of punishment to be applied for fourteen years. There was another species of secondary punishment which he thought might be very efficacious to the suppression of crime; namely, a combination of hard labour and expatriation to some of the colonies, the Bermudas for instance, where public works were carrying on. With that view, it was his intention to propose a bill which would get rid of banishment, as the law now stood, and substitute expatriation and hard labour in some of the colonies.—He had now stated the various points on which he differed, and on which he concurred, with the hon. and learned gentleman. He had stated his intentions so far as they agreed, either to originate measures, or to concur in those which the hon. and learned gentleman might propose. As, however, there remained others on which they disagreed, it was his intention to propose the previous question on the first resolution, leaving it open to the hon. and learned gentleman to propose, if he thought proper, separate measures for those parts of the question on which they differed.

Mr. *Fowell Buxton* rose, amidst loud cries of “question!” He observed, that the lateness of the hour alone prevented him from replying at length to the speech of the right hon. secretary. All he should then say was, that that speech had greatly disappointed him. He contended, that the recorded pledge of the House could be most imperfectly redeemed by the measures proposed by the right hon. gentleman, under the operation of which

there would not be saved one in the course of ten years. I hon. and learned friend would draw his motion on the subject in dwelling-houses. He had believed, that his majesty would have gone further their declaration of that night posed to go; and, relying upon he had dissuaded many persons from petitioning the House on this important subject.

Mr. *Scarlett* said, he could with his hon. friend, the member for Weymouth, as to the impression the speech of the right hon. gentleman was calculated to make. It was a great satisfaction that he had heard the speech, and he could not but be encouraged by the efforts to ameliorate our criminal code, which had been so long and strenuously made, had at length succeeded, and that his majesty's ministry only acceded to the principle proposed to sanction a series of measures in conformity with that principle. He did not, however, agree with the gentleman's reasoning with respect to discretion vested in the executive as to the punishment of death. If capital crimes were admitted, it would apply to all crimes. He had not seen the necessity of his hon. and learned friend's motion this evening. He was ready to support any measure which went to the root of the punishment for forgery; but he did not see the necessity, because he did not see the advantage, of the House at that time pledging to any specific measure of mitigation, the principle being admitted. For his own part, he was desirous of having an opportunity to vote upon each resolution, whether he adopted the previous question or not. He trusted his hon. and learned friend must be sensible of that, because he did not approve of any part of his resolutions, he was unfriendly to their principle. He rejoiced that the day had at length arrived when those principles which his hon. and learned friend, sir Samuel Romilly, long endeavoured to introduce into the House, had obtained the general concurrence of the House. His majesty's ministry had confessed himself a convert to that severity of punishment, as the most expedient method of punishing crimes; that punishment was consonant to the feelings of mankind; and that it was

to be enlisted on the side of the administration of justice.

The *Attorney General* observed, that even the sweeping resolutions of his hon. and learned friend would be inefficient to their proposed object. How did his hon. and learned friend propose to meet the case of larceny in cottages left unprotected in the day time, to which the existing law affixed a capital punishment? He complained that his hon. and learned friend had taken the House by surprise, in not having stated previously the specific nature of his motion, even to his own friends. The House, he thought, would require some notice before they would consent to adopt resolutions, each of them involving topics that would require separate discussion.

Mr. R. Martin begged leave to suggest to his hon. and learned friend, that if it was his intention to follow up his resolutions with bills, it would be injudicious to risk the fate of those bills by pressing the resolutions to a division. Many members who would vote against the resolutions might vote for every one of the bills. If, however, his hon. and learned friend persisted in dividing the House, he would vote with him.

Sir J. Mackintosh, in reply, said, that he would trespass but a few minutes to explain the part which he should take with respect to the resolutions. He agreed with his hon. and learned friend, in rejoicing that the principles of his late lamented friend, sir S. Romilly, had been adopted to any extent; but he would have rejoiced still more, if they had been adopted more extensively; for, with the exception of one bill, the whole appeared to him to be a delusion. The conduct of his majesty's ministers upon this subject reminded him of an expression of a friend of his, with respect to another person, that he was a great friend to general principles, but had an exception for every particular case. With respect to the first resolution, he would ask, how often had the House of Commons voted for the very measure to which it pointed? Would the right hon. gentleman advise the House to undo what it had done? To retrace its steps and forfeit its pledge to the country? In proposing the resolutions, he only wished to take the sense of the House in a popular way. The question was precisely the same as if he had moved for leave to bring in a bill; at the utmost, it only

went to add another stage to its progress and it was absurd to talk of such a thing as an irrevocable stage, the bill being liable to be thrown out in one stage as another. He should certainly persist in taking the sense of the House upon his first resolution. If the previous question were carried upon that, he should only put the other resolutions, for the sake of recording his opinion upon the Journals of the House. He should not take upon himself to introduce any other measure for amending the criminal code; because he must foreknow their fate. If the right hon. gentleman had the skill to induce the House to retract its solemn pledge given last year, he felt that, as a humble member of parliament, he could not resist such an influence.

The previous question, "That the question be now put," being put, the House divided: Ayes, 76. Noes, 81. Majority against sir J. Mackintosh's motion, 10. The previous question was then put on the other eight resolutions and negatived.

#### *List of the Minority.*

Abercromby, hon. J.	Leader, W.
Allen, J. H.	Maherly, J.
Astley, sir J. D.	Mackintosh, sir J.
Baring, A.	Marjorhanks, S.
Barrett, S. M.	Martin, J.
Benett, J.	Milbank, M.
Benyon, B.	Milton, visc.
Bernal, R.	Monck, J. B.
Blake, sir F.	Montgomery, J.
Brougham, H.	Martin, H.
Browne, D.	Newport, sir J.
Calvert, C.	Normanby, visc.
Campbell, hon. G. P.	Nugent, lord
Carter, John	O'Callaghan, J.
Cavendish, H.	Osborne, lord F.
Chaloner, R.	Palmer, C. F.
Colborne, N. R.	Philips, G.
Denman, T.	Philips, G. H. jun.
Duncannon, visc.	Price, R.
Ebrington, visc.	Poyntz, W. S.
Ellice, E.	Ramsden, J. C.
Evans, W.	Rice, T. S.
Fergusson, sir R. C.	Ricardo, D.
Foley, S. H. H.	Ridley, sir M. W.
Folkestone, visc.	Robarts, A.
Frankland, R.	Robarts, G.
Grattan, J.	Robinson, sir G.
Griffith, J. W.	Scarlett, J.
Gordon, R.	Smith, J.
Grant, G. M.	Smith, W.
Hobhouse, J. C.	Smith, hon. R.
Hume, J.	Stanley, lord
Handley, H.	Tennyson, C.
Knight, R.	Tierney, right hon.
Lennard, T. B.	Tynte, C. R.
Lloyd, sir E.	Vernon, G. V.

Wells, J.  
Wharton, J.  
Whitbread, S. C.  
White, col.  
Williams, John  
Wood, M.  
Wilson, W. W. C.

TELLERS.  
Buxton, T. F.  
Calcraft, J.  
PAIRED OFF.  
Russell, lord J.  
Pares, T.

# BULL-BAITING AND DOG-FIGHTS.]

Mr. *R. Martin* moved for leave to bring in a Bill to prohibit Bull-baiting and Dog-fights.

Mr. *Brougham* said, he was a friend to the principle of any measure calculated to put an end to animal or human sufferings; but it was an objection to the present bill, that it did not go far enough. It aimed at the prevention of sports which formed the amusement of the lower orders, but did not interfere with those in which the more wealthy and powerful classes indulged. He would ask whether fishing, grouse-shooting, hare-hunting, horse-racing, fox-hunting, and other diversions of the same kind, were not every whit as cruel as those against which the bill was levelled? When on a former occasion it had been urged that if the latter animals were not destroyed, they would overrun the earth, the late Mr. *Windham* had said, that that was a poor argument as regarded fishing. There was a sound as well as a ludicrous way of treating this subject; but it was enough for him at present to take an objection to it, because it tended to draw a distinction between the lower and higher classes of his majesty's subjects, with respect to amusements in which there was equal cruelty. He therefore gave notice of his intention to oppose the bill in every stage.

Mr. *R. Martin* said, that the argument of the hon. and learned gentleman was most absurd. It was as much as to say, that if five hundred persons were cast upon a rock on a desolate island, and all could not be saved, the attempt should not be made to save any of them.

Mr. *Peel* objected to the motion, because it belonged to a class of subjects which he did not think fit for legislation in this manner.

Mr. *John Smith* said, that so far as dog-fighting was concerned, he would vote for the bill. He understood that, in the very neighbourhood of the House, amusements, as they were miscalled, of the most gross and brutal kind were carried on. Such proceedings ought to be discouraged; and the motion of the

hon. gentleman should have even though he stood alone.

Mr. *W. Smith* was happy that his friend had introduced this subject. He hoped it would be successful, and was convinced that a bill of the kind would be advantageous to the country. The practice of bull-baiting, dog-fighting, badger-baiting, did not, what he was said to the contrary, add to the courage of Englishmen. But to keep up and extend a brutal practice which was not advantageous to the country in any point of view. The bill which was founded on the improvement of the poor, while those of the rich remained untouched, would, if examined, be found fallacious. The pain which was suffered in the one instance, was dental and unavoidable, and a man would be better pleased if it were prevented; but, in the other instance, the degree of pleasure to the spectator was proportioned to the degree of suffering which was inflicted on the animal. If the conduct of those who pursued such pastimes were to be regulated, he believed it would be found that the proceedings during the night were as cruel and as lawless as they were during the day.

Sir *M. W. Ridley* could not agree with the hon. gentleman, that dog-fighting and bull-baiting had such a tendency to render men savage and ferocious. In his younger days he had witnessed these exhibitions; and as they made him ferocious, he thought they would not have a different effect on the people in general. Such sports, however, he considered to be far below the dignity of legislation. If the House entertained such questions, they would be called on to provide a fit punishment for the slaying of cock-chafers, and the destruction of flies.

Mr. *R. Martin* wished to know whether leave would be given him to bring in a bill merely to protect dogs. He would, if he withdrew his motion, be allowed to bring it in at a more advanced period of the session. [Cries of "No, no."]

Mr. *Fowell Buxton* expressed his regret that his hon. friend would not have ventured upon to withdraw his motion. He said that the same arguments had been urged against his former bill, the effects of which



found to be so salutary. As to the tendency of such sports, he could state the case of a boy, who, from attending at dog-fights, and mixing with the society there, became perverted in character, and lost to every useful purpose in society. He was less fortunate than the hon. baronet opposite, for his morals were corrupted.

Mr. *Brougham* wished to ask his hon. friend, whether he had ever taken the trouble to analyse the component parts of the company at a horse race?

The House then divided: Ayes, 18; Noes, 47.

## HOUSE OF LORDS.

*Thursday, May 22.*

AUSTRIA AND SWITZERLAND.] The Marquis of *Lansdown* said, he would beg leave to ask the noble earl opposite, whether any communication had been made to him of any treaty, convention, or stipulation for the military occupation of Switzerland by the Austrian army. He was not enabled to state that such an arrangement had been concluded; but it was reported throughout the country that such was the case, and even that the treaty was signed in March last. It could not escape their lordships, that this was a question of the highest importance to the affairs of Europe, and one on which it was particularly necessary the House should be informed.

The Earl of *Liverpool* said, he had never even heard of the report to which the noble marquis alluded, until within the last half hour from the noble marquis himself. After that, it was hardly necessary for him to say that he had no knowledge, either personal or official, of any treaty, convention, or stipulation, of the nature stated by the noble marquis.

## HOUSE OF COMMONS.

*Thursday, May 22.*

STANDING ORDER RESPECTING BILLS ON TRADE.] Mr. *Huskisson* said, he had given notice yesterday that he meant to call the attention of the House this evening, to the objection which had been taken against proceeding with any bill intended for the regulation of trade, unless the subject were first referred to a select committee, in conformity with the Standing Order of that House, agreed to on the 23d of June, 1820. After the best consideration he could give the subject, it

appeared to him impossible that the true meaning of the standing order could be such as was contended for yesterday. It evidently applied to cases where parliament were about to restrain trade by some additional statutory regulations. Not the object of the bill which he had brought in was not to restrain trade, but to throw it open. He might infer from the history of that standing order, that such was the intent and meaning of the House in adopting it, as well as of the hon. gentleman who was the mover of it. It was true, in common parlance, if a person said he would take away certain restrictions, it might be affirmed that he was regulating that to which those restrictions applied. But such was not the feeling of the House when the order of June 20 was proposed. He did the matter stand with respect to this particular case? Some years ago, the House had, by a particular bill, imposed certain regulations on the silk trade, and those regulations they were now about to remove. Surely that could not justly be called regulating a trade, but taking away all the regulations. If the house intended to extend the Spitalfields act to every part of the country, that would be imposing new restraints; and, in the language of parliament, regulating the trade. Then the order would apply. But what was there in this bill to regulate trade, whereby it, all regulations were to be removed. On examining the Journals, he had found that in the very week after the adoption of this standing order, there were half a dozen bills in progress through the House, all of which went to regulate trade; related to the bounty on salt, another to the stamping of linen, &c.; none of which were previously referred to a select committee. The old standing order was a very different thing. It directed, that a bill for regulating trade generally, should be brought before the House, until the subject had been considered by a committee of the whole House, and their report had been made thereon. What situation, then, would they be placed in, if the interpretation now sought to be given to the order of 1820 were correct? What after a committee of the whole House examined a question, and reported that certain alterations were necessary, it might be again referred to a select committee to inquire whether that which had been agreed to by the committee of the whole House, was or was not proper. There had, for instance, a committee on trade

That committee had made a voluminous report to the House on the warehousing system, &c. A committee of the whole House had adopted their suggestions; but now, upon this new principle, these subjects were to be referred to a committee up stairs. Such a proceeding would be an utter absurdity. But this order went still further. The bill, according to it, could not be read the first time, before it was examined by a select committee. So that before individuals were acquainted with its provisions, before it was known what the committee were to inquire into, it was to be sent up stairs! This order was most objectionable. It was impossible to carry on the business of parliament, if they were, in the first instance, to act on the old standing order, and afterwards on the new one. The hon. member for Yorkshire, to whom they owed this admirable application of the standing order, had told them triumphantly of a bill which he had caused to be referred to a committee up stairs. But that bill was so referred, because it affected the interest of particular parties. It could not have been referred to a committee in conformity with this standing order, because it had been read a first time. To find out what the true meaning of the standing order was, he would propose to refer it to a select committee, who should be instructed also to report, whether it was fitting that a standing order, which had remained a dead letter since its formation, should be suffered to continue on the order-book. The right hon. gentleman then moved, "That the said order be referred to a select committee; and that they do report their opinion, whether the same is applicable to bills for taking off restrictions or regulations imposed by any act of parliament upon the manner of conducting any trade, and as to the expediency of the said order being continued as a standing order of this House."

Mr. *Stuart Wortley* contended, that this order was introduced for the very purpose to which it was now applied; namely, to prevent any new regulation, or any alteration being made in the laws which related to trade, without due notice being given to the parties concerned, so that they might be heard at the bar. The old order applied to regulations respecting foreign trade and the general commercial policy of government; but the new one referred to the regulation of any branch of our domestic trade. There was a bill

now on their table relating to the regulation of linen, which showed the true meaning of this order. Many persons connected with the linen trade were, he understood, dissatisfied with the measure. It was supposed, therefore, that a motion existed to throw the bill out of that trade into the hands of the mercantile capitalists. He did not say that was the fact; but certainly those who complained had a right to be heard on the subject. He had no objection to the standing order being referred to a select committee, who, he had no doubt, would give it its meaning as he did.

Mr. *D. Browne* defended the standing order, and argued that its provisions should be complied with. In that empire from which he came, he had never heard any person say, that the introduction of the stamp from linen would not be a benefit to the country.

The *Chancellor of the Exchequer* defended the standing order in question, and said, that he introduced it, not to prevent parliament from imposing restraints on trade, but to prevent them from suddenly, unwisely, and providently imposing restraints on trade, when it was before the House. He imagined, that it would hinder them from taking away restrictions, he would not oppose it, instead of giving it its full effect. [Hear.]

Sir *R. Fergusson* said, he was in correspondence with every part of Scotland, and he was sorry to hear that which the linen trade was carried on, that he had not heard a voice raised against the measure introduced by the right hon. gentleman.

Mr. *Calcraft* contended, that the standing order was imperative. He would then, yield to it, and particularly in the present case, where the object was, to promote a bill which seemed to give general approbation to the right hon. gentleman said, that it was a most indiscreet tampering with the right principles of trade. He would not find this new light broken in upon him, and was sorry it had not shed its light before he introduced his naval and military pensions' bill. The right hon. gentleman might take credit perhaps for having kept up the lottery; but the fact was, that the lottery had given him up. The present report was, that the usual course had lost so much money by the lottery, that they would have nothing to do with it. Unless some doubt could be fairly thrown upon the wisdom of the standing order, why refer it to a select committee?

The *Chancellor of the Exchequer* said, that as to the lottery, the only thing that had occurred was a five minutes' hesitation on the part of the lottery-office-keepers, whether they would bid or not.

Mr. *Brougham* was ready to give the principal members of his majesty's government some credit for the adoption of more liberal principles respecting trade. He considered the present bill just, necessary, and expedient. He rejoiced in the conversion of ministers to these principles; particularly in the conversion of the right hon. gentleman (Mr. Huskisson); and still more in that of the more illustrious convert near him (the chancellor of the exchequer). The former, it was true, had always entertained liberal opinions upon such matters, without acting upon them; but there was no saint in the calendar whose conversion was more marvellous than that of the chancellor of the exchequer. That right hon. gentleman had on a proposition on the subject of free trade, passed to the order of the day. With reference to the standing order, he thought it would be better to refer it to a committee.

Lord *Milton* asked, whether it would not be the shorter course at once to give a select committee upon the bill, rather than on the standing order?

Mr. *Ricardo* was glad to see this contest for the adoption of liberal principles in matters of trade. He hoped they would persevere in getting rid of such obnoxious and impolitic regulations.

Mr. *Canning* thought, that the best course would be at once to settle the application of this standing order, by referring it to a committee.

The motion was agreed to, and a committee appointed.

AUSTRIA AND SWITZERLAND.] Mr. *Brougham* said, that seeing the right hon. secretary for foreign affairs in his place, he wished to ask him a question, founded upon intelligence which had reached him from sources which, if not authentic, were at least entitled to great attention. His information related to alleged occurrences respecting Switzerland, and was a further apparent development of the system of the holy alliance. Notwithstanding all that the Swiss cantons had done to court the favour and avert the anger of the allied powers, by refusing a domicile within their territory to those political refugees who sought an asylum within them

from the persecution of their own governments—these allies were said to be engaged in measures towards Switzerland which, if all, or even any part of the were founded, furnished serious cause alarm at the present crisis. He wished to ask, if any, and what communications had been made by the Austrian government to the cantons of Switzerland—at least, one or more, if not to all of them—having for its object, the imposition of material changes in the internal condition of these cantons. One of these changes was said to be, the offer of the protectorate to an Austrian archduke; and, that Austria was willing to extend her care to the Swiss states, not only politically, but ecclesiastically—that she wished to assert spiritual, as well as temporal jurisdiction over them, and to dictate a change in the ecclesiastical constitution of the cantons by nominating the Catholic bishops in these Protestant states. This alteration, if not insisted upon, had, he had heard, at least been proposed. The cession of Geneva to the king of Sardinia was also mentioned as a part of the new propositions. The whole, or a part of these demands had, as he was informed, been communicated to the French government, and they were asked, if they would like to see the influence and power of Austria predominate in Switzerland. The reply of the French government was, as he understood, that certainly it was against their wishes, their interest, and their ancient policy, to see such a predominant power established in Switzerland; but it was still less their wish to see such a neighbouring territory as it now was, the focus of jacobinism. These were the reports which had reached him, and he had, since he entered the House, heard that a noble person had in another place, inquired whether his majesty's government were informed of any treaty signed last March by the three allied powers, upon which was founded the intended military occupation of Switzerland by Austria. His information did not go so far as this treaty, or the military occupation said to be founded upon it: but, even the least part of the lesser statement, if founded in fact, was much too much. It showed clearly the character of the allied powers, and gave a foretaste of the bitter fruits of the policy of this country, in abdicating the power of using an effectual interposition for the maintenance of international freedom.

Mr. *Canning* said, that if the least part of the lesser statement of the hon. and learned gentleman was much too much, it might be a satisfaction to him to know, that that least part was much more than his majesty's government were informed of.

THE GREEKS AND TURKS.] Mr. *Hume* said, it had been reported that British cruisers had upon several occasions of late not respected the Greek flag, in the actual blockade of some Turkish ports, and had gone so far as to compel Greek ships to give up English vessels which they had taken in the act of conveying supplies to Turkish forts. He hoped that, at least, the British Government would act an equal part between the Greeks and Turks in the present contest.

Mr. Secretary *Canning* said, that in one or two instances the government had been informed of a violation of the Greek blockade; but that, in one instance especially, which came to their knowledge a fortnight ago, they had immediately sent out most positive orders, that the British cruisers should respect alike the blockades of both powers [Hear!].

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] Sir *Robert Heron* said, he thought it would be convenient for the House, and a measure that would relieve very many individuals from much anxiety and inconvenience, if the House would name some definitive period for considering the order of the day on this matter. There were upwards of fifty witnesses in town, at a great expense to the public, and much inconvenience to themselves; and several of them, perhaps, with little public advantage, and little probability of being asked many questions. He did not wish to anticipate any interrogatories which hon. gentlemen might be disposed to put to them; but every one, who had at all attended to the course of this inquiry, must have observed how languidly it went on. At present, there appeared no chance of again pursuing the inquiry on any but a very distant day. Under these circumstances he wished the House to come to some decision; so that the inquiry might either cease at once, or be brought to a speedy determination.

Colonel *Barry* said, that however it might appear to the hon. baronet, the fact was, that the last day's proceedings had elicited matter of the greatest importance.

He was anxious to conclude, but he felt it his duty of the sheriff, to conduct to a conclusion.

Sir *R. Heron* disclaimed of reflecting on the mode in which the right hon. gentleman had conducted the inquiry. Would Monday not be a convenient day for resuming?

Mr. *Abercromby* could not say that the House had been placed in an unpleasant situation in this matter, but he had been conducted in a manner likely to attain the ends of justice, much calculated to produce economy and expense to the public. He suggested of ministers, all parties had, for a time, given way to the majority. At the same time, he hoped that the House would not be allowed to be divided, but would henceforth proceed with vigour.

Mr. *Grattan* thought it his duty to say that the House should decide upon this important question as speedily as possible; because, on account of the inconvenience which it occasioned to the House, it was a source of much irritation in Dublin.

Colonel *Barry* said, that he had never postponed the inquiry to any day.

Mr. *Calcraft* thought, that the hon. gentleman would propose the order of the day, that would bring the business to an issue.

Colonel *Barry* said, that in consequence of these proceedings, he had moved the order of the day. It had been brought on by gentlemen of the other side, and it was for them to move the order of the day upon it.

Mr. *Calcraft* said, he would move the order of the day on this inquiry, as a sense of the House upon the present course of the proceedings was quite intolerable.

HALF PAY OF THE ARMY IN IRELAND.] General *Gascoyne*, submitted a motion "for an Address to His Majesty, praying that he would be pleased to cause the warrant of the 6th of May to be reconsidered, and that payment should be made to officers resident in Ireland in British currency," said, he thought that to induce the Crown to interfere in this case, very strong reasons must be laid for such an address.



begged to assure his noble friend (Lord Palmerston), that by this motion he meant not to impute anything to him which might seem to derogate from his well-known ability and zeal in the discharge of his official duties. As the regulation at present existed, residence in Ireland alone constituted the ground of distinction made between officers on half-pay in Ireland, and half-pay officers in any other country. So far from officers in Ireland being paid in an inferior currency, they ought rather to have a bounty given them for expending their half-pay among their own countrymen. Suppose the case of two officers in the same regiment, and each having the misfortune to lose a limb: he who retired to Ireland was, in fact, to receive the less allowance, because he chose to reside in Ireland. Could anything be more unjust, than that a sort of penalty should attach to him who retired to his native home? The saving to be effected by this arrangement was very small: he understood it amounted to 7,800*l.* in the whole; but when the chancellor of the exchequer had so recently given up taxes to the amount of hundreds of thousands of pounds, in order to induce and encourage residence in Ireland, surely this arrangement was most impolitic. The case was one of greater severity, when it was considered, that while officers on our half-pay, who entered into the service of any of the foreign powers—and perhaps those who were allied against the rising liberties of Spain—were paid in British currency, Ireland alone was the invidious exception, which subjected them to the loss arising from a depreciated currency. If the regulation was meant to be defended on the ground, that the superior cheapness of provisions in Ireland was to be considered, the principle ought to be carried further, and extended to those who lived in Wales, or in any other part of the empire where the necessaries of life were sold at a reasonable rate. He would move, “That an humble address be presented to his majesty, that he will be graciously pleased to direct that the warrant of the 6th of March last be re-considered; and that payment to Half-pay officers of the army and marines resident in Ireland (together with pensions and allowances) be continued to be paid in British currency, as heretofore.”

Lord *Palmerston* said, that the House ought to take care not to be led away by individual cases, and to neutralize in de-

tail those measures of economy which they were constantly insisting upon in principle. He recollected well, that the gallant officer had, on one occasion, voted in support of an augmentation of the pay of the army, and on a subsequent occasion had said, that he thought the liberality of parliament had exceeded the bounds of discretion. With respect to the particular case before the House, the principle on which officers on half-pay were paid (whether in Irish or British currency) was founded on the accident of the regiment being in England or in Ireland at the time that the officer retired. The same rule was observed with respect to the private soldier. It appeared to him that there was no sense whatever in the practice; but the question was, how was it to be altered? It might be proper to destroy the distinction of currency—it might be well to pay all half-pay officers and privates in the same currency; but it appeared to him to follow as the inevitable consequence, that the full pay should be paid in the same currency also. Now the difference of expence would amount to 127,000*l.*, and in time of war to 237,000*l.* The principle on which the regulation of March had been founded was established in the year 1815. That principle placed all officers on half-pay, residing in Ireland, on the same footing, and entitled them to their half-pay in Irish currency only. He could not, under all the circumstances, consent to alter that regulation; because, if the half-pay were to be paid in British currency, the full pay, in his opinion, would be clearly entitled to British currency also. He would, however, so far acquiesce in the object of his hon. friend, as to exempt all the officers resident in Ireland, who had formerly received their half-pay in British currency. He was willing to consent that they should be allowed in future to receive their half-pay in the same currency. The inconvenience to officers' widows was excessive, as they had to remove, for the receipt of their pensions, according to the destination of the regiment, with which they might no longer have any connexion.

After a short conversation, general Gascoyne consented to withdraw his motion.

*EAST AND WEST INDIA SUGARS.*]—Mr. *W. Whitmore*, in rising to bring forward the motion of which he had

given notice upon this subject, commenced his observations by expressing the regret which he felt that it had not been taken up by some member who possessed greater abilities and exercised greater influence over the House than fell to the lot of an humble individual like himself. He therefore requested the House, as far as he was individually concerned, to grant him its indulgence, and as far as the question itself was at stake, to give it that calm and serious deliberation which it required, on account of the important interests which were involved in it. With a view of simplifying the question, and putting it as concisely as possible before the House, he should arrange his observations under three distinct heads: the first, relating to the interest of the consumer in England; the second, to the interest of India and our trade with that country; and the third, to the interest of the West-India planters. With regard to the first point, he did not think it necessary to enter into any argument to prove that the consumer was entitled to the greatest competition that could be produced in the market. There might, indeed, be an exception to that as to every other general rule; but he did not think that any man would contend that such an exception existed in the present case. Now, the House was aware that there existed at present an extra duty of 10s. in one instance, and of 15s. in another, payable on sugar brought from the East, above that which was payable upon sugar brought from the West Indies. It was difficult to calculate what the exact effect of that extra duty was upon the consumer; for the price of sugar was at present so low, that it would be unfair to judge what price it ought to bear from the price which it now actually bore in the market. But, as far as he was able to judge from the data which he had before him, he believed that the restrictions which were placed on East-India sugars, and the species of monopoly which was thus given to West-India sugars, cost the consumer, in ordinary years, no less a sum than two millions sterling.

The hon. member, after stating the grounds upon which he came to this conclusion, proceeded to consider the manner in which these duties affected the interest of our empire in India. He contended; that the measures which the

House was now pursuing, injustice to our subjects in and maintained, that if they persisted in, they would be productive of consequences which must result in the loss of our dominion over them extremely. The hon. member then entered into a consideration of our trade with India, in order to give the House an opportunity of taking a fair view of the question. He showed, that from the earliest times which it could be traced, down to the present, the private trade between Europe and India had always been of the same nature. Drugs, spices, and silks, were imported into Europe from India, and invariably exported in return from Europe into India. The private trade with India had created a most extraordinary interest in that commerce. The consequence had been, that a market had been discovered for our British manufactures, on which we could have calculated before it was actually found to exist. The export of European goods from Europe to India in 1815 to 183,430*l.* but in 1822 to 1,421,649*l.* But, what was extraordinary was the change that had been effected in the cotton trade between Europe and this country. Formerly, we imported certain cotton goods from India; now, we were actually supplying India with those articles at a price less than that for which they could be manufactured in India. In 1815, the value of cotton goods to the eastward of Cape of Good Hope amounted to 109,480*l.*; in the year 1822, it had increased to 1,120,325*l.* He looked upon this circumstance as quite decisive of a singular revolution which had taken place in the trade with India; and upon the distance at which we were from that country, and the low price at which labour could be obtained in India, considered the fact of our being enabled to import the raw material into Europe, to change it into a manufactured article, to export it back again to India, to sell it at a lower price than it could be sold for in India, which the natives could afford to pay in their own markets, to be one of the extraordinary triumphs of skill and industry that had ever been recorded in the annals of commercial enterprise. At the time that they were enjoying the fruits of their own skill and ingenuity, it was necessary to consider the consequences

might produce in India. They had entirely destroyed the native manufactures. They had annihilated, at least in the neighbourhood of the Presidencies the trade, which had existed there from the earliest periods. This event might prove either a blessing or a curse. It would prove a blessing, if the house should enable the natives of India to employ, in another channel the industry which it had diverted from its former objects. But it would prove a curse indeed, if the house, after destroying their manufactures should be guilty of an act of such gross injustice and atrocity, as to refuse to take from them such articles of commerce as their industry still enabled them to produce. Besides what would be the consequence of such a proceeding? Did they imagine that they could exercise such a tyranny over India with perfect impunity? Let them recollect what had been the case, when they had endeavoured to exercise a similar tyranny over the people of Ireland. It would be in the recollection of the House, that, before the American war, they had been in the habit of inundating Ireland with English manufactures, and of taking no productions of Irish industry in return. There was even a vote upon their journals, in which the importation of Irish cattle into England was declared to be a nuisance. But, what was the result of such a system? Why, that Ireland, during that disastrous period of our history—the American war—demanded of us, with the bayonet in her hand, that privilege, which we had previously refused to grant her as an act of justice. Now, did the House think that similar conduct could be pursued towards India without producing a similar result? Relying on the unwarlike nature of the inhabitants of India, would they persist in a line of policy that was full of the grossest injustice? And, supposing that they would, could they do so with safety to the important interests which we had there at stake? Did they not know, that the very existence of the British power in India depended on seapoy arms, and the native feeling remaining strongly attached to our interests? If the native feeling were alienated from them, and the seapoy bayonet were wielded against them, their empire in India would not last for a single moment; and, if it once passed away, it would vanish, “and like the baseless fabric of a vision, leave not a wreck behind.” They might perhaps imagine that there was no chance of any

foreign invasion of India. But he would ask, what would be their condition if they persisted in their present line of conduct, supposing that a second Alexander should after overcoming a second Darius, find himself on the banks of the Hydaspes or the Tigris, and in a situation to invade India from the north? Did they think that, under such circumstances, the natives would not avail themselves of the opportunity to shake off their yoke? Undoubtedly they would. And he therefore said that if they persisted in their present course, they would before long have occasion to rue it.

The hon. member then proceeded to show, that if their present policy was contrary to justice, it was no less opposed to their own individual interests. There was no man, who looked at the distress in which almost every part of the mercantile world had recently been involved, who would not admit that it was the duty of the House to adopt such measures as were calculated to increase the general trade of the country. But, if we would extend trade, we must make it reciprocal. Without reciprocity, we could not only not extend our trade, but even maintain it at its present extent. When they reflected on the present low profit of manufacturing capital, and the great temptation to transfer it to other quarters of the world—on our national debt, which hung over us like the sword of Damocles—it was evident, that it was only by extending to the utmost the exertions and the commerce of the country, that we could emancipate ourselves from our present painful situation. Now, there was no part of the world in which the trade of this country could be so much increased as in India. Our commerce with Hindostan was as yet only in its infancy. There was no assignable limit to it, if the House would only permit our merchants to take from India those articles which she was enabled to produce and would abolish those protecting and discriminating duties, against which his present motion was principally directed. But, great as was the avidity of the natives to purchase English goods, they would be incapacitated from doing so, if they were not allowed to give their own articles in exchange for them, and our commerce with them would not only not be increased, but would not even continue in that successful state to which he was happy to say it had now arrived. It ought to be recollected, that it

former times there was a great importation of bullion into India, in return for the drugs and spices which she sent to Europe. Now, he had shown that this importation had in a great degree ceased; and without staying to inquire what would be the effect of withdrawing more bullion from India, he thought it must be obvious to every man, that as India did not produce bullion, all trade with it must cease if it were not permitted to export its own produce. He therefore contended, that, as far as our empire in India was concerned, the House was bound, not only by a sense of justice, but also by a sense of interest, to abolish the restrictions with which the importation of East-India sugar into the home market was at present fettered and impeded.

He should next proceed to consider the question with regard to the interests of the West-India islands. And here he must remark, that the chief argument on which the West-India planters seemed to rely was, that they had a right to these protecting duties: nay, they even insinuated that they had a chartered right to them. In vain did he look for this charter amid acts of parliament and grants of the Crown. But, though he could not find this charter, he found, in the course of his search for it, a fact that was scarcely less important; namely, that the duties on East-India sugar had sometimes been the same as those on West-India sugar; nay, that they had sometimes even been less. Previously to 1813, the duties on East-India sugar were really *ad valorem* duties, and though generally higher, were, whenever the price of sugar was considerably depressed, really lower than the duties on West-India sugar. This was decisive as to the chartered rights of the West-India planters.—The hon. member then gave an historical detail of the various measures by which the West-India planters had obtained the imposition of an extra duty of 15s. on East-India sugar, and contended that, though they might have some claim to protection when the colonial system was flourishing in full vigour, they had none at present when it was relaxed. He then proceeded to point out the measures which he thought the House ought to adopt, even supposing that the West-India planter should have a chartered right to their present protecting duties. The case of Ireland, to which he had before had occasion to refer, formed a case exactly in point. If

there was any interest for which they were inclined to stickle more than another, it was the agricultural interest. That interest, from long and ancient practice, might almost have gained a prescriptive right of exemption from all competition in the home market with the agricultural market of Ireland. And yet, in the notwithstanding the existence of this right, the House determined the free admission of Irish produce into the English market. He disapproved of the resolution to which he had come upon that occasion; but, contrary, he praised it, and thought it afforded them a fit precedent on the present occasion. He said, that the present time was exceedingly adverse to the motion—it was hard to bring it forward at a moment when the West-India interests were in such deep distress. He lamented the distress as much as any man, but it was necessary here to look at its cause. Its cause was not the importation of East-India sugar; nor the more rigid enforcement of the monopoly enjoyed by West-India sugar; nor any one mode only could the distress be relieved—by a general change of the system in the West Indies. As long as slavery existed—as long as the planters were made to produce sugar—freights continued so high, in consequence of overcharge—so long would the West Indies be distressed. The cause of the distress was the slave system. As long as slavery existed the cost of sugar was so much increased as to render it impossible to compete with those countries where the soil was cultivated by free labour.—Slavery had uniformly produced the same effects, not only in the West Indies, but in Poland, in Russia, and in South America. Mr. Coxe had shown the beneficial effects of substituting free labour for the slave system, as exemplified in an experiment made by a Polish nobleman, named Szymanowski. A similar experiment was made by Mr. Steele in the West Indies, in 1787, by which the produce of the nobleman's estates was actually tripled. He was convinced that the abolition of slavery was a measure in which justice and interest were not only not at variance, but in which they were perfectly coincident. He should not compromise the present question, nor acquiesce



half measures which might be proposed by his majesty's government; for unless the committee for which he moved were granted, he should unquestionably feel it his duty to take the sense of the House upon his motion. He did not call upon the House to make any specific alteration in the existing system, but merely to inquire into the expediency of making some alteration; and he trusted he had stated enough to convince the House of the necessity of repressing a course of proceedings, not only of the most unjust, unfeeling, and unfair character, but full of peril to the commercial interests of this country.—The hon. member concluded by moving, "That a Select Committee be appointed to inquire into the Duties payable on East and West-India Sugar."

Mr. *C. Ellis*, after complimenting the hon. gentleman on the talents he had displayed on this and on previous occasions, said, he thought that the present question was peculiarly unfit for reference to a committee. It was not a matter of detail where local and practical information was required from witnesses acquainted with the commerce or situation of the West Indies: it was a question of state policy and high principle—of regard for vested interests and antecedent claims—in a word, whether this country would make the sacrifice of its West-India colonies for the encouragement of a new commercial speculation. Among the arguments which it had been of late the fashion to introduce on this subject, he must beg leave to protest against those which supported the system of a free, unrestricted, and unlimited commerce. He did not mean to enter into the merits of the general theory, but he denied its applicability to the present question. What the East-India interest required was, not the freedom of trade; they required an equalization of the duties on East and West-India sugar; but they left in full force the prohibitory duties on foreign sugar. They asked for merely so much as would enable them to supplant the West-India colonists in the home market, and afterwards to retain to themselves the exclusive supply of the sugar consumed in this country. As to the argument founded on the indefinite increase of the demand for British manufactures in India, he thought it could not be fairly introduced into this question. Undoubtedly, the demand for British manufactures might be partially increased by the ruin of the West-India colonists; but

it was the duty of that House to consider a previous question—whether having established the system now existing in the West-India colonies, it was consistent with sound justice and policy to destroy it? The protection extended to the West-India colonists had been conceded as a compensation for restrictions to which the East-India interest was not subjected. If it were not a formal charter, it was an absolute compact with the consideration of value received, and not less valid than positive law. The West-India colonists denied the right of others not subjected to the same restrictions, to participate in their advantages; and on this ground resistance was now made to the claim of the East Indies. The hon. gentleman admitted, that up to the last year, the compact did exist; but he contended, that it was now violated, and the restrictions removed. But for needless detail, he could undertake to prove to the hon. gentleman, that the compact had not been violated or infringed. He would only detain the House while he mentioned the restrictions upon the West Indies according to laws now in force. In the first place they remained subject to all the restrictions regarding the supply of British manufactures. By the intercourse bill of last year the trade was limited strictly to some articles before permitted to be imported. Nothing was lost to the British manufacturer in point of protection—nothing gained to the West-India planters in point of restriction. The protection to the farmers and provision-merchants of Ireland was the same as formerly—that the British fisheries remained untouched—and the British ship-owners were still allowed the exclusive carrying trade; and of which were extremely onerous to the West-India colonies. It was contended that it was the right of the British consumer to purchase sugar wherever he could obtain it; and, with respect to the restrictions, the hon. member opposed expressed his readiness to concur in any measure for their removal. No doubt. As he would find many others connected with the East-India trade who would be of the same opinion. It was not, however, such persons that he addressed his arguments, but to those whose opinions were not influenced by interested considerations, and especially to his majesty's government, whose duty it was, to protect with impartiality the interests of all classes of the community. This was not

merely a question between the East and West-India colonies, but a question between the East-India colonies, and all the important British interests connected with our colonial trade. With respect to our West-India colonies, it should be recollected, that a capital of not less than a hundred millions had been vested in them; and it had been so vested under the sanction of acts of parliament. Many important acquisitions, Demerara, St. Domingo, St. Lucie, Berbice, and other islands, had been made in the last treaty of peace, and the acts which had been passed, extending protection to our colonies, had given a pledge to the country of the value which the legislature set upon them. Would the House, then, at that moment, and under such circumstances, hold out to the country, that in fact all these important acquisitions were good for nothing? Would it at once renounce the antiquated notion, that colonies were beneficial to the parent state? The House could not forget how much the large mercantile marine of the West Indies had contributed to support the naval power of Great Britain. There were other difficulties behind of no slight importance, and which it was far from easy to solve. The negro population in the West Indies consisted of not less than from 700,000 to 800,000 souls; and it was singular that the hon. gentleman had omitted all notice of them in the course of his speech. The ruin would not be confined to a few sugar estates. It would extend to all that was connected with them; to the large breeding farms, to all the tradesmen, and to the negroes in their employment. He did not know what the proportion might be elsewhere, but he would venture to say that in the island of Jamaica, out of a population of 350,000 souls, not less than from 250,000 to 300,000 would be thrown out of work, and deprived of the means of subsistence. What must become of them? His imagination did not enable him to embrace all the frightful consequences of a change so tremendous. Could the supporters of this motion show any other profitable employment for them; or could they hold out a hope of the establishment of a state of society consistent with the resolutions passed last week for ameliorating the condition of the negroes?—There was still one other consideration to which he wished to advert before he concluded. Contemplating this enormous change, was the House prepared to decide what course the coun-

try would adopt with regard to relations with the colonies still to maintain them permanent military or naval stations; or to abandon them until the ruin of the system was consummated; or was she to abandon them, and set them free to that country that thought it would possess them? These alternatives presented no very satisfactory result, only left a choice of difficulties. He warned the house not to incur the necessity of solving them. The subject raised a further question, of high importance, and the sacrifice of vast interests wound up with the present system. It was enough for him to show that these important matters were included in the apparently simple proposition of the hon. gentleman for the duties on East and West-India sugar to justify his own vote, and he was also enough to satisfy the house that it ought not to entertain this motion.

Mr. Keith Douglas said, he was ready to concur with the observations by the advocates for the doctrine of political economy. He had no objection to that, if the principle could be applied, every branch of human industry might be accommodated in a manner, by enabling the inhabitants of all countries to purchase the commodities which they stood in need at the lowest rate and without restriction. The universal application was, if possible, at least not practicable, he said. He would draw the attention of the House to the fact that the commercial interests of this country were founded upon different principles, and the eminence to which that branch of interests now under discussion was to be attributed solely to the compact sought to be broken by the present motion. If the sugars should be admitted to the same privileges which this compact had granted to those of the West Indies, the latter colonies would be ruined. He would draw the attention of the house to some facts which would illustrate his view he had taken of the interests of the colonies. The value of Irish manufactures exported to the West Indies might be estimated at an average of 3,560,000*l.* It had increased to a larger sum during the last year from the experience of some years. He was justified in stating that the annual sum liable to little or

tuation. The number of ships employed in this trade was 1,585, carrying a tonnage of 438,000; the number of seamen was, 23,700; and a revenue of 5,500,000*l.* was annually derived from this colonial commerce. It might be said by gentlemen on the other side, that if this commerce should be transferred from the West Indies, the same advantages would ensue from other sources. He was not prepared to admit this; but if he did, he felt it was impossible that the House should therefore consent, that the individual interests connected with the trade should be sacrificed, unless for some reasons of vital importance to the state. In the last charter granted to the East-India company, a duty of 10*s.* had been imposed upon their sugar, Lord Liverpool at that time expressly recognizing the compact for which he (Mr. D.) contended, and guarding against an infringement of the exclusive supply by the West-India colonies. It might be said, also, that the act of the last session, permitting a free trade to the continent, opened advantages for the sale of West-India produce equivalent to those which would be taken away by the present motion if it were carried. It must be recollected, however, that 70,000 slaves were computed to have been carried annually for several years to Cuba, to the Brazils, and to other places, and that the continental markets were, in fact so glutted and over-stocked, that it would be a mockery to call the privilege of sending produce thither a benefit. It had been urged, that the East Indies being also British colonies were as well entitled to protection as those of the West Indies; but he was far from thinking this was a sufficient reason for extending the principle of exclusion to them. In India, forty thousand British subjects swayed, by a sort of magic, the destinies of eighty millions of the native inhabitants. The House, in considering the commercial capacities of a country, must look to the manners and habits of the people. In 1818, that year in which a greater trade had been carried on in India than had been before, or would be again, it appeared, by returns on the table, that the tonnage of vessels employed in the outward and homeward voyages amounted to 205,000 tons, while that of the last year had been reduced to 137,000. This reduction arose, not from the restrictions on sugar, but from

other causes. In the same year of 1818, the importation of cotton from the East Indies amounted to 247,000 bags. Supplies then began to come from other quarters, and the prices fell; and last year they had only reached 19,000 bags. Thus a medium of exchange of three millions sterling had been reduced to 120,000*l.* America, in 1818, had supplied 220,000 bags of cotton. Last year, notwithstanding the fall of the prices, the ability and intelligence of the Americans had been such as to send 330,000 bags to this market. It was, therefore, from this cause, and not from the want of sale for sugar, that the East-India trade was reduced. He denied that if all that was sought should be granted, the benefit to the East Indies would be such as was held out. The consumption of sugar in this country was 140,000 tons. If one half of this were transferred to the East Indies, it would furnish them only with an exchangeable medium to the amount of about 700,000*l.* sterling. The proposed measure would be cruel, unnecessary, and unwise, and the mischiefs resulting from it so obvious, that unless some greater advantage than had yet been stated were pointed out, he should persist in the determination he had formed of opposing it.

Mr. Robertson contended, that the consumer was benefitted by the present state of things, and that the East Indies produced instances of more degrading slavery than the West. The population of India was divided into four classes, of which the Soudah was the scum, and the Bramin the head. The lowest cast could no more rise to a higher, such were the institutions of the country, than a horse could become a man. The incapacity of India under this wretched system of slavery was such, that she could not even compete with the free labour of Italy for silk though India had three crops in the year and Italy but one, and the production of sugar required still more exertion. From the destruction caused to the roots of the canes by the white ants, it would be impossible ever to make the growth of sugar in the East Indies sufficiently productive. Though, in 1792, an attempt was made to establish a colony for the growth and manufacture of sugar, China, Batavia and Java, still continued to supply Bengal and Madras with that commodity. It was not for the interest of the consumer that the present system should be changed, and it would be worse for India herself

The whole was, in fact, a question between the East-India and West-India agents. The amount of their commission depended upon the amount of the sales of sugar for their respective colonies; and he trusted the House would therefore not hesitate to prefer the vested interests of the West-India proprietors to the interested attempts of these agents.

Mr. *Ricardo* congratulated the House upon the comfortable information contained in the speech of the hon. member who had spoken last, and who had shown, that, what with the white ants and other difficulties, it would be impossible for the East-India planters ever to compete with those of the West-India colonies. The inference from which was, that there was nothing to fear from allowing them the advantage required. On this occasion he would take the liberty of quoting a speech of the hon. member for Sandwich (Mr. *Marryat*) in 1809, which was marked throughout by its strict adherence to the true principles of political economy. In that speech, the hon. member had contended for the policy of admitting the conquered colonies to an equal participation in the trade with the other colonies of England. The question at that time was, whether the colony of Martinique should be allowed to send its sugars to the British market on the same terms as the other colonies, and the hon. member had then clearly shown, by a train of the soundest reasoning, that the price of sugar on the continent regulating the price in this country, it could be no disadvantage to us that the sugar of Martinique should be sent here. Here the hon. member read the passage of the speech to which he had alluded. He then went on to contend, that the same argument (substituting the East Indies for Martinique) would apply to the question before the House. The sugars of the East Indies would not exclude those of the West. He would maintain, that there ought to be no restrictions on the imports of any of our colonies—that it would be an injury, as well to the colonies as to the mother country, and that therefore we ought to get rid of them altogether. It should also be recollected, that if the proposed measure gave advantages to the East-India trade which it did not possess before, there were disadvantages under which that trade still laboured, which went to counterbalance them. An hon. member had talked of our compact with the West

Indies. He would say, in a any compact existed, by which industry, either of the colonies or mother country, was rendered unproductive, the sooner it was got better. The argument of the member for Dumfries (Mr. *K. D.*) was quite inconclusive, in supposing that we should lose a great portion of the revenue derived from our West-India trade. He did not think the proposed alteration would have any such effect, and that we should have the produce of the West or East Indies at half the price. He wished that could be the case, because it would render the trade still more desirable. But he thought it was absurd to maintain, that because the West-India planters had a large capital embarked in the trade, we were bound to take sugars from them at the price which we could get elsewhere. Such an effect would however, be the result of the proposed alteration. East or West-India sugars would not be much lowered by the proposed alteration, and we should have this advantage from the alteration—it would prevent the price of sugars from rising above the market price. Some gentlemen were alarmed at the effect of exporting bullion to India. He himself, he did not object to it; for it could not be acquired without the employment of our industry, and it was levied in one case as well as in another, it was clear that we should not lose any part of our revenue. With respect to the employment of our sailors, it was natural to conclude that the East Indies were further from the West, the proposed alteration would employ more rather than fewer. As to the duty on East India sugar, it was his own confession, of recent date, that it had been introduced until 1814. It was because of the ground of long possession. With respect to the effect the proposed alteration would produce on the negro population, he did not see any grounds for supposing that it would be injurious. In the first place, he did not believe that we should import more sugar to any very considerable extent. But even were the competition to be equal with the sale of the produce of the East Indies, the condition of the slave would be improved, would not be injured by the change; inasmuch as the capital employed in the production of sugar would be under such circumstances, be



to the growth of a more beneficial, because a more remunerating commodity. In the speech of the hon. member for Sandwich, to which he before alluded, there was a most extraordinary observation. It the more surprised him, as it was irreconcilable with the sound views entertained by the hon. member. In the speech, however, it was stated, that the price of any commodity did not depend on the cost of cultivation, but on the relation of the supply to the demand. Now, nothing was more unsound. In all cases, the cost of cultivation was sure to regulate the price which any commodity must bear in the markets of the world. As, therefore, the cost of production was acknowledged to be less in the East Indies in the production of sugar, the price of that article in the markets of the world must in the long run be regulated by that cost. There was another observation which was worthy of remark. The hon. members acknowledged, that the greatest advantage would attend a free trade; but, said they, "it is not a free trade, but a participation in the monopoly that the East-India advocates demand." Granted. He would accede to their object; though at the same time, he was prepared to go to a much greater extent. He was ready to allow a free trade on sugar from all parts of the world where that commodity was grown. He would allow a competition not alone of East-India sugar, but of the sugars of South America, Cuba, Brazil, and China. And so would the hon. member for Sandwich, provided he was allowed to import the sugars of the West Indies with the lower rate of duties. It was, however, of those duties which prohibited all competition, that he (Mr. R.) complained; and, with the hope of modifying the evil, he would give his support to the motion.

Mr. *Marryat* said, it was extremely amusing to hear hon. members, proprietors of East-India stock, declaiming in that House on the advantages of a free trade, at the very moment that they themselves were interested in one of the most outrageous monopolies that ever existed in any country in the world. He should be glad to hear that some of those liberal principles had found their way into Leadenhall-street, and that that company had consented to the opening of a free trade with China; but as this was not done, he thought that those concerned ought to be silent on the subject of monopoly, of which

they had so much of the profits in their pockets. The hon. member who spoke last had alluded to his opinion, in 1809, respecting a free trade. There was no opinion which he then gave to which he did not still adhere; but the arguments in the case of Martinique did not apply to that before the House. He had said, that as Martinique was placed under colonial restriction, it ought to have the advantages of other colonies; and, if the East Indies were under the same restrictions, he should have no objection to their having the same advantages. He was a friend to the general principle of free trade; but he thought that considerations of our colonial trade, and the advancement of our naval power, might be very fair exceptions to the general principle. The advocates of that school would make every thing bend to their application. As in the bed of Procrustes, they would lop the limb that was too long, or stretch those that were too short to fit the abstract principle. But, in treating of the interests which were the results of a particular system of policy, there existed the necessity of making great exceptions. If our colonial system was mainly constructed with the view of supporting our naval power, that consideration formed an exception to those general principles. With respect to the immediate question, he believed the capacity of the East Indies to produce any considerable quantity of sugar was over-rated; but what he apprehended from opening such an inquiry was, that it would lead to such an extension of the cultivation of sugar in the East Indies, as must eventually prove most injurious to the West-India interest. It was now urged upon that interest—and in the feeling he sincerely participated—that every endeavour should be made to raise the character of the negro population in the scale of society, so as eventually to fit them for the discharge of the duties of free men. If, therefore, that House pressed upon the West-India proprietors at a moment of great distress, regulations injurious to their well-being, did it not disqualify them from making those exertions for the amelioration of the condition of the negro population, which their own decisions had pronounced to be essential? The next question was, did the West-India interest possess the means? The petition which he had had the honour to present from the proprietors and planters of Trinidad, declared the existing distress to be such,

from the very tenure of colonial connection? When they looked to what had occurred in the former colonies of Great Britain in North America—when they reflected on what was passing in South America as to its connection with Spain, and in the Brazils as to Portugal—it would be infatuation not to perceive that in the East Indies, with a seapoy army of 150,000 men—with a vast population improving in knowledge, and knowledge was power, the materials of future independence were most prominent. If some future Hyder Ally or Tippoo Saib, with equal spirit, but with more good fortune, should seek to put an end to our unhallowed empire in the East, might we not naturally say to ourselves, that we had given them the means of annoyance by bestowing on their country all the advantages of a colonial free trade, without subjecting them to that colonial restriction to which our other dependencies had been submitted? Looking at the question in this point of view, and at all its probable consequences to our West-India trade, he must oppose the motion.

Mr. *Ricardo*, in explanation, observed, that he had never possessed a shilling more than 1000*l.* East-India stock, and never given a vote in favour of monopoly in his life.

Mr. *Wilberforce* wished to remind the hon. gentleman who had just spoken, that the motion which he opposed did not call for any decision as to the question of

evil of the West-India system, the precariousness of its profits, vicissitudes to which it was exposed, attention to the more necessary cultivation of provisions for its support—was neglected. In America, climate was unfriendly to the *Agro*, the slave population doubled in thirty years; while in the West Indies where the climate was at least as favourable, the slaves had not only not multiplied, with the exception of Barbadoes, within the same time, diminished. The number of slaves now exported from Jamaica amounted to 345,000. Then, the rate of increase as it was in America, that amount since the year when the first step towards the abolition of the slave-trade was taken, was 890,000. America, have increased by this 890,000. Did not such a fact prove that there was some radical defect in the West-India system? Had the abolition taken place earlier, could any man doubt that the West-India interest would have been considerably benefitted?—Had the abolitionary measure been retarded, what would have been their ruinous condition? In the last half century one million of slaves had been imported, and yet in 1834 there were at present but 345,000. A destruction of human life, and capital! Much had been said of the pledges given to the West-India planters. He would ask what became of those pledges when the conquered

pledge was ridiculous. It was admitted, in the pamphlet of the hon. member for Sandwich, that in the course of twenty years almost all West-India property changed hands. This clearly evinced how much a matter of speculation this property was. And as it was now more than twenty years since the house had first legislated on the subject of slaves, the greater part of the property must have been bought with the knowledge of that fact. Had they not then had fair warning? This remark did not apply to the hereditary proprietor, for whom he sincerely felt; though he could not admit that the inquiry which was moved for would at all tend to injure that class of persons. He would repeat an assertion which he had formerly made—that if the whole system of the West Indies were inquired into, it would be found the most unprofitable, to be maintained with the greatest expenditure of men and money, and after all, to be the most insecure, of any of the possessions of the Crown. The present distress in the West Indies was spoken of, as if no distress had ever before been felt there; but in the privy council reports it would be seen, that the assembly of Jamaica had stated that the interest made on all the capital invested in that island was only 4 per cent. Only 4 per cent. on capital in the West Indies! on property in islands which, in the last war but one, were captured by the enemy, and which were now exposed to a danger still greater, as all would allow who had read a proclamation recently published in that quarter of the world. The hon. gentleman concluded by giving his cordial assent to the motion for inquiry.

Mr. *Huskisson* said, he did not rise at that late hour to trouble the House at any length on the subject, but simply to state his reasons for dissenting from the motion. He did not partake of the fears and alarms of the hon. member for Seaford, neither could he participate in the sanguine expectations of the hon. mover, if his motion were adopted. His hon. friend who spoke last had truly observed, that this was merely a motion for inquiry; and, if he could have entertained a doubt of the inconveniences which would result from going into that inquiry, the speech of his hon. friend would have satisfied him, that when once the committee should be formed, instead of the inquiry being confined to the mere commercial question respecting sugar, it would be conducted solely with a reference to the fearful and delicate sub-

ject of negro slavery, which, from the result of the discussion on a former night, he had conceived had been decided by the House should be left in the hands of government. He fully agreed with the hon. member for Portarlington, that so long as a surplus of West-India sugar was annually imported into this country, the price of it in the market must be regulated by the markets of the world. The East Indians were, he was convinced, now contending for a measure which, if granted would not alter the quantity of sugar imported; or which, if it did, would be injurious in the end to the growers of it. They had already the continent of Europe and the United States to which their sugar might be sent; and the largest export from the East Indies to all parts of the world, excluding England, in any one year was about 4,000 tons, and, including England, about 11,000 tons. But if the East Indies possessed that power of supply, how was it that all the countries of Europe, who had no West-India colonies, but all of whom before the French revolution possessed factories in India, never bethought themselves of drawing from India this necessary, this cheap article of sugar? But, it was notorious, that France had supplied those countries from St. Domingo; and the real fact was, that on a comparison of the prices, the supply from the East Indies would not have come any cheaper into the European market. He could not help expressing his astonishment that the hon. mover of the question should have confined his argument so entirely to the effect of the measure upon the East Indies. He agreed with the hon. member for Portarlington that, considering the question abstractedly, and without reference to the state of things which had grown out of the colonial policy of this country for the last century—the only point worthy of notice was, where, as consumers, could we get our sugars at the cheapest rate. But, he denied that the question ought to be so abstractedly considered. It was a question to be looked at with reference to a number of complicated circumstances; and far was he from agreeing that the House might press hard upon a West-Indian because that West-Indian happened to be an owner of slaves. That the West-Indian was an owner of slaves was not his fault, but his misfortune; and if it was true that the production of slavery was more costly than that of free

labour, that would be an additional reason for not depriving him of the advantage of his protecting duty. — There were many of the statements of the hon. mover of the question, which, he was free to own, had filled him with surprise. The hon. mover had said, for instance, speaking of the hardship of not allowing a free trade—“ You have destroyed, by your superior machinery, the manufacture of India in muslins; and now you actually are compelling her, although she has no mines, to pay in bullion for the cottons and other goods which she takes from you.” Now this, as had been observed by the hon. member for Portarlington, was precisely the reverse of the old argument against our trade with India, when it had been complained, that we should have to pay India in specie for every thing we purchased of her. As for the advantages expected to accrue to India in the shape of employment for her population, from the removal of the duty in question, he believed that those advantages were altogether imaginary. Supposing—what he for his own part did not believe would be the case—supposing that the removal of the protecting duty did lead to an increased production of sugar in India, still the persons who had been employed in manufacturing muslins would not turn their hands to the cultivation of sugar. Such a transfer of labour from one course of action to another would be difficult in any country; and in India the system of castes rendered it almost impossible.— Wishing the question to stand or fall upon its own peculiar merits, he had regretted to hear it mixed up, by some hon. gentlemen, with the topic of the abolition of slavery in our West Indies; but, since that abolition was a point so much at heart, and a point which, according to some hon. gentlemen, the present measure was to assist in attaining, he could not help observing, that the article of cotton, which the hon. mover looked to sending so freely into the East Indies, and from the circulation of which in that country he promised so much advantage to the Manchester traders—every ounce of it was produced by the labour of slaves in the United States or in the Brasils; and the demand for it was one main cause why the slave trade still existed upon the latter station in so dreadful a degree.—He did contend, and he thought the fact was clear, that whatever effect the reduction of duty might have upon the East Indies,

it would have no operation upon sugar, as regarded the consumer in this country. As long as—whether East Indies or West—we had sugar, the price in the market must be regulated by the general market of the world. The East-India sugar came to market or went at once to the consumer, a matter of no importance to the consumer as long as there was a production.—The right hon. member then went into a comparative statement of the quantities of sugar produced in the old colonies in the year 1763, the present time; and also into a statement of the consumption of this country in the same periods. The produce of the old colonies—those ceded before the year 1763—had been 70,000 tons in the year 1789; and the consumption in the same year was 70,000 tons. The present produce of those same colonies was 140,000 tons in the year 1823; and the consumption now was 140,000 tons. If we had only the old colonies, the supply at the present moment would have equalled our demand. To admit sugar from the East Indies, we might upon the same principle make it free from all the world; but he denied that the abatement of duty would bring any considerable addition to the supply of sugar from the East Indies at the present time, imported from China and from Java, than from Europe. Much of the sugar, indeed, which now came from the Indies, came free of freight, and without ballast to vessels. But, if one were to look to any thing like a regular supply, we must freight ships with sugar in a regular way; and a considerable addition would be necessary to the price. The right hon. member concluded by stating that he was willing to pay the duty of 5s. which had been years ago upon a particular sort of sugar coming from the East Indies, thought to be equal to the price of the West Indies. Considerable culture was found in appreciating the value of particular sugar. The best judges were unable to say whether it was better to have sugar or not. To obviate the inconvenience which the East-India sugar suffered from having to send it sometimes to this country, and sometimes to the protecting duty charged upon it.



them would be ten shillings or fifteen, he was disposed to do away with that extra five shilling duty altogether; and should sit down, after that statement, by negating the motion.

Mr. *Money* rose amidst general calls of "question," and proceeded to speak in favour of the original motion, but the impatience of the House rendered the hon. member inaudible.

Mr. *Forbes* strongly advocated the cause of the East-India sugar grower. He asked, whether the present president of the Board of Control had not stated to the late chairman of the court of directors, that it was the intention of ministers to sanction the appointment of a committee, to inquire into the whole question of the sugar duties? He saw more clearly than ever, that the West-India interest in that House was paramount to every other.

Mr. *Wynn* said, that being called on in this distinct manner, it was necessary for him to say a few words. He wished his hon. friend had given him an intimation that he meant to make the reference he had done, because he would then have recurred to the note which he had written to the late chairman of the East-India company. He must now observe, that he distinctly understood, when the late chancellor of the exchequer had spoken of a committee, that that committee was only to inquire into the additional duty of 15s. on clayed sugars, and not to touch on the question of the ordinary duty of ten shillings.

The House divided: Ayes 34, Noes 161.

*List of the Minority.*

Astell, W.	Maberly, J.
Alexander, J.	Maberly, W. L.
Alexander, J. D.	Marjoribanks, S.
Baillie, col. J.	Martin, J.
Baring, sir T.	Money, W. T.
Bentinck, lord W.	Munday, F.
Browne, Dom.	Pitt, J.
Calthorpe, hon. F. G.	Porcher, H.
Cole, sir C.	Ricardo, D.
Corbett, P.	Smith, R.
Downie, R.	Smith, W.
Evans, W.	Stanley, lord
Forbes, C.	Wigram, W.
Grant, right hon. C.	Wilberforce, W.
Hume, J.	Wells, J.
Kech, G. A. E.	TELLERS.
Kemp, T. R.	Whitmore, W.
Lindsay, hon. H.	Buxton, T. F.

HOUSE OF COMMONS.

Friday, May 23.

SHERIFF OF DUBLIN—INQUIRY INTO

HIS CONDUCT.] The House having again resolved itself into a Committee to inquire into the Conduct of the Sheriff of Dublin sir Robert Heron in the Chair,

Major *Henry Charles Sirr* was called in; and examined

By Colonel *Barry*.—What is your situation?—A magistrate in the head police office in Dublin.

Do you recollect the 14th Dec. last, when there was a riot at the theatre?—I do.

Was the state of public feeling in Dublin at that time much agitated?—On that night it was, and previous to that it was.

Do you recollect any of the causes which led to that irritation?—I believe, the prevention of the dressing of king William was one.

Do you imagine that that irritation was much increased by the committal of some of the persons supposed to be concerned in the riot, under a capital charge?—Undoubtedly.

You are one of the magistrates that committed one of those persons under the capital charge?—I am.

Can you state the circumstances under which you made that committal?—Under the directions of the attorney-general, the solicitor-general, and Mr. Townsend.

Had you, at the time you made that committal, informations before you, to convince you that it was a capital crime that he was charged with?—There were a variety of informations taken on the subject; I was not aware at the time that it was a capital charge until I was desired to make out the committal.

You are understood that you made the committal in pursuance of directions from the law officers of the Crown, without having informations before you, convincing you that they authorized a committal for a capital crime?—I did not know the extent of the offence until I was desired to make out the committal, from the variety of information which were taken in the head police office, and having been laid before the law officers it was necessary to get their opinion upon it before the committal was finally made out.

Are you to be understood, that you saw all the informations which were taken upon the subject, previous to your having committed the person?—I saw several of them; I do not believe I saw all.

Where were the witnesses chiefly examined?—Some at the head office of police, and some in the under secretary's office at the castle.

After the witnesses were sworn, was not the magistrate directed to leave the room?—Sometimes he was, sometimes not.

Were the informations which were taken during the absence of the magistrate, afterwards laid before the magistrate for his perusal?—Several of the witnesses examined at the castle were afterwards re-examined in the office and their informations taken.

Was that after they were committed on the capital crime?—I believe not.

After Forbes was committed?—We had taken informations prior to his committal.

Were the persons bound over to prosecute previous to his committal?—I believe they were.

By you?—By me, whenever I took the informations, certainly; three magistrates are in the office; it will sometimes fall to the lot of one, sometimes of another, to take the informations.

From your own judging of those informations which you saw, you conceived Forbes had made himself liable to be committed for a capital offence?—I conceive, from the high authority from whom I received the directions to make out the committal, that there was sufficient.

If you had not received those directions from high authority, would you have committed Forbes for a capital offence?—I believe not.

By Mr. Jones.—Were you brought up as a lawyer?—No.

What had been your private education?—Military.

Were you then acquainted with what would amount to an act of high treason or a capital offence of that description?—In some instances I might be.

In the present instance were you in doubt?—In the present instance I should not have thought there was any thing of high treason in it.

Should you have thought there was sufficient to amount to a capital offence, or had you doubts upon that subject?—I had doubts, certainly.

In consequence of those doubts, did you submit it to the law officers of the Crown?—I was guided by them.

In consequence of the doubts you entertained as to the offence amounting to a capital charge or not, did you take the opinion of the law officers of the Crown?—No, it was not in consequence of that.

In consequence of what was it then that you took the opinion of the law officers of the Crown?—It was in consequence of what was done, certainly, that I received the orders of the law officers of the Crown.

By Mr. Brougham.—Did you apply to the law officers of the Crown for their opinion upon this matter?—No.

What are the committee to understand by your saying, that you received the directions of the law officers of the Crown?—It was considered as a Crown prosecution, and immediately under the direction of the officers of the Crown; and as magistrates, we receive their instructions, from time to time, on the informations that were taken.

You are understood to say, that this was a criminal case, in which the Crown was one party: are you in the practice in such cases, of acting by the instructions of that party?—Certainly.

In your capacity of a magistrate?—Certainly.

As a justice of the peace?—Yes, as a justice of the peace.

How long have you been a justice of the peace?—As a police magistrate, 14 years.

Before that period, in what capacity did you serve?—I was likewise a magistrate.

For how many years before that period?—About nine years.

During the whole of that period, was it your practice in your official situation, as a magistrate, to act according to the directions of the Crown?—No.

Since when did you commence that practice?—It is the practice in Crown prosecutions.

Has it been your practice, during the whole of those 24 years, in cases where the Crown was the party prosecuting, to take the opinion of the officers of the Crown?—No.

Do you mean, that you never executed your own opinion, or that in all cases you ever your opinion might be, you were yourself bound by the instruction of lawyers?—There are some cases that suppose do not require their advice.

Suppose they have given you an opinion, and that your opinion was different from theirs, would your practice be to follow your own judgment, or the instructions of those officers?—It was my duty to resort to them, I considered from such high legal authority that their opinion was correct in attending to their advice, and not to my own.

What do you mean by the term "resort to them"?—Did you go to them yourself personally, or did you doubtfully.

Did you state the case, and receive their instructions?—Certainly.

Was this ever in writing, or by verbal communications?—Verbal communications through the solicitor of the Crown.

Are you to be understood, that when it becomes necessary to resort for instructions to the Crown lawyers, you go to the solicitor of the Crown?—Occasionally, as it may be.

Did you ever go directly to the Crown lawyers, without going to the solicitor?—It so happen.

What do you mean by those cases in which you deem it necessary to have recourse to the instructions of the Crown lawyers?—Only in cases of state treason.

Is that your rule in all political prosecutions?—There may be some minor offences in which it would not be necessary to do so.

Suppose a man were arrested on a charge of sedition?—Certainly, I should apply to the law officers of the Crown for their instructions; I would take the information without hesitation.

Should you in that case proceed to their instructions, in preference to your own judgment?—It would be their duty to proceed; it would be my duty to take their instructions, and act as a magistrate.

What do you mean then by acting by the instructions of the Crown solicitor?—Of course, the Crown lawyers must be consulted in cases of treason.

Do you mean, that suppose a person were arrested for sedition, before you made

warrant of commitment, you would apply for instructions to the Crown officers?—No, not in every case.

Would you in any cases of importance?—Not in regard to committal always; I would take it from the body of the information; I should not hesitate in committing, on my own judgment, where a case was so strong that there could be no doubt upon it.

On what cases is it that you describe yourself as being used to follow the instructions of the Crown lawyers?—In such a case as the present I acted immediately under their advice.

In cases where you follow the instructions of the Crown lawyers, what is it you do according to their instructions?—I act according to the instructions I receive.

What do you call acting according to the instructions you receive; do you mean to say you ever follow their instructions upon the question whether you should commit or not?—I should not hesitate in the committal. Nor whether I should take an information or not.

On what questions is it you have taken their instructions?—I conceive I have done my duty when I have taken the necessary informations and committed.

You commit according to your own judgment, and you take the information according to your own judgment?—No doubt.

In what respect is it you follow the instructions of the Crown lawyers?—I do no more than that, it is for them to proceed.

What do you mean by following the instructions of the Crown lawyers?—As to the extent, if the information goes against several individuals, as to the extent of arrest, perhaps, how far each may be involved; some may be more deep than others, and it may not be wise in some instances to arrest, perhaps.

If you have taken the information against the whole number, and made out the warrant of commitment against the whole; what further question remains for you?—If they are in custody, it is a different matter.

If they are in custody, how do you then follow the instructions of the Crown lawyers?—I would commit certainly; it will be for them to prosecute the entire, or not.

Suppose a question were to arise, whether you should hold a person to bail, or to commit him to custody; should you follow the instructions of the Crown lawyers?—Certainly.

Supposing a question should arise, as to the amount of bail to be taken; should you follow their instructions?—I should think it right so to do, in political offences.

Suppose the question were to arise, whether a man should be committed or not for an alleged seditious expression; would you take the instructions of the law officers of the Crown upon that?—I would take the advice of the assistant barrister in the office, upon that occasion.

By the assistant barrister is understood one of the three magistrates, of whom you are one?—Yes.

Suppose the question were to arise, whether this is a treasonable offence or not, and you had doubts in your own mind; would you also take the advice of the assistant barrister?—Certainly.

Suppose the question to arise, whether it was a misdemeanor or a treasonable offence; would you, in that case, take the assistant barrister's advice?—Certainly.

Suppose the question to arise, what amount of bail you should hold them to; would you, in that case, take the assistant barrister's advice?—I should certainly take the advice of my brother magistrates, in that case.

Suppose you, among yourselves, have no doubt, should you act without going further for advice?—If we had no doubts on our minds, we would act.

Do you mean to say it is only in cases where you and your brother magistrates differ, or where you doubt, that you go to the law officers of the Crown?—Either that, or to counsel.

Do you mean to say, you ever go to other counsel as well as to the law officers of the Crown?—We do.

You are not to be understood, that you take instructions from the law officers of the Crown only in those arduous cases to which you have alluded, but from lawyers indiscriminately?—Certainly.

Has this been your practice during the whole of the fifteen years?—It has.

Did you ever, during those fifteen years, take the advice of a lawyer, for a prisoner?—No, I do not know that I did.

But very often of the Crown lawyers, you say?—We have occasionally of the Crown lawyers.

What other lawyers, besides the Crown lawyers, have you ever consulted during those times?—There are barristers appointed as assistant barristers to the police establishment.

Are those for the prosecutors?—For police prosecutions.

Are those barristers counsel for the prosecution always?—Where it becomes necessary to employ counsel for the police, they are called in.

That is where you, the police, prosecute yourselves?—Where we prosecute ourselves.

Have you ever consulted them on any of the arduous cases of a political nature to which you have referred?—I believe we have.

Suppose information were laid, that an individual had used a seditious expression, drank a disloyal toast, for instance; how would you proceed in that case, after taking the information?—It might be a case to make the party find security only to keep the peace; it might not amount to a treasonable act.

Should you, in a case of that sort, consult the Crown lawyers?—We might make a report upon it to the government.

Suppose the Crown lawyers were to desire you to commit the person for a political offence; would you commit him, although in

your own judgment, he ought not to stand committed?—If there was proof, that a man had committed such an offence, I think we would be justified in committing him.

But suppose your opinion was, that he ought not to be committed, and the Crown lawyers directed you to commit him, would you commit him, or not?—If they desired me to commit him, I think it is very likely I would, if he was to be tried for the offence; but I would think such an offence as that would be bailable, and I would be bound to take bail.

If you felt you were bound to take bail, and the Crown lawyers directed you not to take bail, which should you do?—I think I should be bound to take bail in a bailable offence.

Suppose any political character of note were denounced to you, by an information, as having been guilty of an act of sedition, should you, in that case, go to the Crown lawyers as a matter of course?—No, not as a matter of course.

However high the political character was, against whom the information was brought?—No, I should think it was most likely I should make it known to the government of the country.

Supposing the government were to direct you to commit that person, should you follow their directions as a matter of course, without exercising your own judgment?—I should certainly follow the direction of the government of the country, and I would use my own discretion, as far as I was capable of judging for the best.

Supposing your own discretion led you to say, that he ought not to be committed, but for the directions of government, would you feel yourself still bound, by the positive direction of government?—If it was not a bailable offence, I should certainly commit.

Suppose, upon the evidence laid before you, you considered he ought not to be committed for this state offence; and suppose the government directed you to commit him, notwithstanding your own opinion of the offence not being a bailable offence, what should you do?—I think if the government ordered me to do it, I would do it.

Have you ever been directed by government, in cases of state offence bailable, to take a great amount of bail, and done so?—I believe I have.

Do you upon the question of the amount of bail, consider yourself bound in the same way by the directions of government in state offences?—In state offences, certainly.

By Mr. Peel.—When anything extraordinary comes under your notice, as a magistrate, do you not feel it your duty to make a report upon it to the government?—No doubt.

Are you not required to do so by the act which constitutes you police-officers?—Certainly.

Are there not some cases in which you cannot act, without consulting the attorney-general?—There are.

Do you recollect some cases of approvers in cases of high treason do that without his approbation.

Should not you be subject to 100l.?—Yes.

Do you recollect any instance being of opinion yourself, that a man should be taken, by way of bail, a sum of money required you to take a large bail?—No, never.

Or their directions as to the amount?—No, certainly not.

By Mr. G. Lamb.—In the case of the theatre, had you any doubt in your mind when you received the directions of the officers of the Crown?—I could not form an opinion without I saw the evidence and informations on the subject, which I did see. I saw certainly several of the informations in another office, and I believe the same informations.

You did not make up your mind as to what offence you meant to commit?—No.

Did you ask the law-officers of the Crown for their opinion?—I waited upon them for their opinion and received their opinion on the subject.

By Mr. Bright.—Did the attorney-general, or any person connected with the government send for you, or did you go of your own accord?—I have gone of my own accord, and I have been sent for on that business?—Yes.

Were you sent for on the first occasion?—No, I did not go of my own accord, I was sent for.

Did the first communication upon the business come from you, or from the Crown?—I think it is more likely that it came from myself, or from the office.

State what passed at that first interview, generally showed the informations to the Crown-officers.

Had you taken any information before that time?—I am sure I had.

Did you show them to the attorney-general?—Undoubtedly.

Was there a conversation at that time between you and the solicitor and attorney-general?—There must have been some conversation, but I cannot recollect what it was. There have been upon the examinations so many taken that really I cannot recollect it.

Did you receive any instructions with respect to the examinations?—I can recollect that I did.

Did you receive any instructions with respect to the committals?—

When did you see the officers of the Crown again?—I saw them very frequently.

When did you receive directions with respect to the parties?—

Of what parties?—Of Forbes, (Brownlow).

What directions did you receive



mit Forbes for a capital offence, and the other two for a conspiracy and riot.

Was anything said about bail?—Nothing.

By Mr. S. *Wortley*.—Did you, in consequence of those instructions, commit those gentlemen for the treason?—Not for the treason.

For a capital offence?—I did.

Had you at that time read over all the informations?—Not the entire of them.

Had you signed any depositions or informations?—I had.

Had you signed any depositions or informations that you had not read?—No, never.

Did you hear the depositions given by the witnesses?—I did certainly.

Did you sign any deposition that you did not hear given by the witnesses?—The depositions that I took must have been read to the witness, or he must have sworn that he read them.

Do you recollect having seen any deposition which was not sworn to by the witness in your presence?—Oh! certainly not; he must have been sworn to them, before I signed them; I could not be guilty of such an act.

Do you distinctly recollect, that you did sign no deposition to which you had not seen the witness swear?—Certainly I do not.

In point of fact, for what offence were those persons committed?—Forbes was committed for a conspiracy to murder.

Upon the informations themselves, were you, in your judgment, satisfied, that there was sufficient evidence to commit him upon that charge?—Not as to a conspiracy to murder; I was not capable of judging, for I had not seen all the informations.

Upon the informations before you, was there sufficient to induce you to commit them for a conspiracy to murder?—Not upon those that were taken before me.

How did you proceed, previous to signing the committal?—I heard a great number of persons examined upon oath.

Upon the whole examination before you, were you satisfied there was sufficient to induce you to commit them for a conspiracy to murder?—In my own mind I certainly should not, if it was left to myself, have committed for such an offence.

For what offence would you, in your own judgment, have committed?—For a conspiracy to riot, and a riot.

Then how came you, thinking in your own judgment there was not sufficient to commit for a conspiracy to murder, to commit for that offence?—I had the legal instructions of the law officers of the Crown; I concluded, from the importance of the informations they had before them, that it amounted to that.

In point of fact, you committed for a conspiracy to murder, on the instructions of the law officers of the Crown, and not from your own judgment on the informations laid before you?—Certainly.

By Mr. *Bright*.—Did you act at that time as a justice of the peace?—Certainly.

Is it your habit, in Crown cases, to commit without hearing the whole of the informations?—One information may justify a committal.

Supposing that one information should not justify a committal, would you commit without hearing the whole of the informations?—Certainly not.

In this case, did you hear the whole of the informations?—They were not all taken before me, or in the office.

How came you then in this case to commit without hearing the whole of the informations?—I did not think it was necessary.

You did not consider that it was a case of capital offence?—I must have considered it so when the attorney-general considered it so his opinion was superior to mine.

But not in your own judgment?—I should not have thought it so, until I heard the attorney-general declare it.

How was it you did not hear the whole of the informations read to you, prior to your committing for the capital offence?—There were several informations taken at another office that I did not see, I saw copies of them certainly.

Did you see the copies of the whole of the informations?—I will not pretend to say that I saw them all, for they were very numerous.

Do you not consider it your duty as a police magistrate, to see the whole of the informations?—Probably it would be better if I did.

Has it been your habit prior to this, to see the whole of the informations previous to committing for a grave offence?—Certainly, all informations taken at my own office, at the head office, where the committal is issued from certainly.

Then this is the only instance to your recollection, that you have committed for a grave offence, without seeing the whole of the informations?—I do recollect, and I do believe, that I read the informations, on better recollection.

Did you read the whole of the informations?—Yes, it is so distant I cannot speak positively but I am inclined to think that I read them.

Then you correct the prior testimony you have given?—It is so far back I cannot say and I do assure the committee, I must hope for excuse, I have not been very well and my memory is not so perfect as it used to be, after a very serious fit of sickness, and I should plead that excuse.

By Sir J. *Newport*.—Was there anything that distinguished the communication upon the present occasion, from the communication that you had at former times, during the time of your magistracy?—No, I think not.

By Mr. *Brownlow*.—Did you propose to the law officers of the Crown, to take bail for Mr. Forbes, instead of committing him to gaol for the play-house riot?—No, I do not think I did, I do not recollect any such circumstance.

*Joseph Gabbett*, esq. called in; and examined

By Colonel *Barry*.—What is your situation

before you to satisfy you as to that committal?—I do really think there were witnesses sufficient produced to justify the going to a jury for that offence.

By Sir J. Newport.—How long have you been in the office of magistrate?—Nearly seven years.

Was that subsequent to the publication of the work called "Gabbett's Digest of the Law?"

—Yes.

You were placed in the situation you now hold, as a testimony of respect for the service you had rendered the public?—I was so informed.

By Mr. Plunkett.—Do you recollect being with the police on any night in November, when there was an attempt made to dress the statue?—There were different attempts made on the nights of the 3rd, 4th, 5th, and 6th of November, I was up almost the whole of those nights; one night entirely; but on the sixth there was a very serious attempt made, in opposition to the police force to dress the statue.

Do you recollect any person being mounted on the statue that night?—There were three persons mounted on the statue; I was called at about two o'clock in the morning, and they were not able to remove them till about six.

Do you recollect who any of those persons were?—Henry Handwich was one of the persons.

Mr. Pascal Paoli Field called in; and examined

By Col. Barry.—What is your situation?—I hold a situation in the bank of Ireland.

Do you recollect being examined by any persons, as to the transactions that took place at the theatre on the 14th of December?—I do.

Where?—In a room in Dublin Castle.

Do you know who the persons were?—The attorney-general for Ireland examined me. There were other gentlemen present, whose names I do not immediately recollect; there was a Mr. Carmichael present.

Was any oath administered to you?—There was; major Sirr administered the oath.

After the oath was administered, what became of major Sirr?—He left the room.

And you were left in the room with the attorney-general, and some other gentlemen?—Yes.

Do you know who Mr. Carmichael is?—I believe he is either the solicitor or the clerk of the Crown.

Will you state what happened on your examination?—I was asked by the attorney-general, if I had been at the theatre on the night on which the row had been stated to have taken place; I said I was not. I was afterwards asked, if I had any thing to do with the circulation of tickets, or with subscribing to the purchase of tickets for the admission of persons for that purpose; I said I had not. I was asked if I had any thing to do with the throwing the bottle or rattle, or if I had coun-

VOL. IX.

tenanced such proceedings; I said Shall I state my observations?

were indignant (excuse me) at the that I, who held his majesty's commission, Irish regiment of militia; I was officer. I felt, I say, indignant at that I, who received the pay of and drew my sword for the protection of British subjects, should be charged with attempt to insult or injure his majesty's representative, or to interfere in any charge or request that his majesty might have formed, had uttered to his people of his departure.

Were your depositions taken down?—I suppose they were—a Mr. was writing at the time I was speaking.

Were you then dismissed for that?—After other questions, I was.

Was there anything further passed?—Yes; I was asked, if I had any conversations upon the subject. I refused, of course, at the moment, being in a hurry, having no apprehension of the kind; and I said, that I had many conversations, as any citizen of my walk in life might have heard. I was then asked what the conversations I had heard said I had heard various conversations; then asked whether I had heard any respecting the lord mayor of Dublin had heard conversations respecting him were they? that he had made himself popular; in what respect? In not allowing the statue of king William, in College Street, to be dressed according to the old custom of the country.

Were those depositions that were taken ever afterwards shown to you, in or out of court?—They were not.

Were any depositions ever shown to you at the police-office, for you to swear to or not to?

Did you swear to them?—I did not.

Why did you not?—Because I did not believe that they agreed, or bore the resemblance to the original inquiry made of me.

You conceived them to differ essentially from the truth?—I did materially.

And you declined signing them?—

Did you give that reason at that time?—Yes, to alderman Darley.

Do you know who was present when you were examined in the room at the castle?—I cannot take upon me to recollect the time has affected my memory sufficiently to recollect; I was greatly confused at the time.

By Mr. Goulburn.—Did you know Mr. Carmichael before?—Yes.

Did you know the attorney-general before?—I did.

Did you know the solicitor-general before?—I did.

Was he present?—I think he was present. I say positively.

Did you not commit some persons on a capital charge, in reference to the riot at the theatre?—I committed Henry Handwich and Graham.

On a charge of conspiring to kill the lord-lieutenant?—I did.

State the grounds of that committal?—I had previously taken informations in my office against those two persons, the one for throwing the rattle, and the other for throwing the bottle; I had committed them upon those informations. There was an application made to me for bailing those prisoners, and upon that occasion, feeling it be to a very serious case, I thought it my duty to confer with the officers of the Crown upon the occasion. I spoke to the attorney and solicitor-general upon the subject, and it was their opinion that I should not, in that state of the business, bail the persons, but that all the informations taken and to be taken, should be sent to them for their consideration; and they would, after they had fully investigated the case, inform me what their opinion was upon the subject. There was an inquiry then at the castle, before the attorney and solicitor-general, and also at the head office, for the course of six days, at the end of which I was called upon to attend at the head office for the purpose of revising the capital committals. I did attend there, and assist in framing, in concert with Mr. Graves, the barrister magistrate of that office, those committals. They were revised by the officers of the Crown, the attorney and solicitor-general and Mr. Townsend, who conducts the prosecutions on the part of the Crown, and I did sign the capital committals against those two persons against whom I had taken those informations; but I should also state to the House, that independently of those informations which I took at my own office, I was present at the head office of police when a further information of a much stronger nature than those I had taken, was taken there before the magistrates of that office under those circumstances; those informations having disclosed facts, which I thought amounted to evidence, to go to the jury to sustain the capital charge, I thought it was my duty to follow the advice of those three learned counsel, in signing the capital committal; I signed the capital committal only against those against whom I had taken the information, the one for throwing the rattle, and the other for throwing the bottle.

Did you or not coincide with the law officers of the Crown in respect to the capital charge?—So far I did coincide, that I acted in pursuance of the suggestions communicated from them to me, through the magistrates of the head office.

Had you been left to your own discretion, would you have committed for the capital offence?—I certainly, if I had been left entirely to myself, should have required the whole of the informations to be laid before me, to exercise my judgment upon them; but I do think that if I was pressed by the prosecutor, in an ordi-

nary case, to submit the case for trial in that shape, there being evidence to go to the jury to sustain that charge, however I might as a magistrate discourage a rigorous prosecution, I should hold it to be my duty to sign a committal upon the capital charge.

Was there sufficient evidence came before you, in your opinion, to justify a committal for a capital offence?—I thought there was evidence to go to the jury with.

If you had been left to your judgment, would you have committed for the capital offence?—Upon the best consideration I have since given to the subject, I was warranted in the opinion, that the facts disclosed before me, amounted to a constructive levying of war against the king. I really felt that at the time, and stated that, without consulting with the counsel for the Crown, as my reason for refusing to admit the parties to bail.

Your opinion coincided with that of the law officers of the Crown?—As to the conspiracy to murder, I have not said so. If I was to recommend a prosecution in the most rigorous form, it would have been for a constructive levying of war, which amounts to high treason.

Are you to be understood, that your opinion did not coincide with that of the law officers of the Crown?—I really acted a good deal in faith on the law officers of the Crown. I had that reliance on their knowledge, their talent, and their integrity. They having come to that result, after six or seven days investigation, I thought that it furnished a very sufficient ground, coupled with the facts which were before me individually, for signing the committals. I really did not speculate on what was likely to be the event of the prosecution.

By Mr. Browne.—Do not you hold yourself personally responsible, as a magistrate, for your committals?—Of course, I am liable to the censure of the court of King's-bench, and of parliament, and I am liable to an action, if I misconduct myself.

Should not a magistrate make up his mind as to the committal?—I had made up my mind, that there was evidence to go in support of a prosecution, if it should be the pleasure of the government to prosecute in that rigorous form.

Had you heard the whole of the depositions?—No, I had not. There were several witnesses examined on the ex-officio informations, that had not been sworn before me.

Did you require to hear the whole of the depositions, prior to committal?—I did not.

That is not necessary?—No; I think it is quite sufficient for any prosecutor to produce such witnesses before a magistrate as furnish matter to justify the committal; and I think it is in the discretion of the prosecutor, what number of witnesses he shall produce. There may be very good and sufficient reasons for prosecutors not producing all their witnesses in a public office.

Were there sufficient witnesses produced

before you to satisfy you as to that committal?—I do really think there were witnesses sufficient produced to justify the going to a jury for that offence.

By Sir J. Newport.—How long have you been in the office of magistrate?—Nearly seven years.

Was that subsequent to the publication of the work called "Gabbett's Digest of the Law?"

—Yes.

You were placed in the situation you now hold, as a testimony of respect for the service you had rendered the public?—I was so informed.

By Mr. Plunkett.—Do you recollect being with the police on any night in November, when there was an attempt made to dress the statue?—There were different attempts made on the nights of the 3rd, 4th, 5th, and 6th of November, I was up almost the whole of those nights; one night entirely; but on the sixth there was a very serious attempt made, in opposition to the police force to dress the statue.

Do you recollect any person being mounted on the statue that night?—There were three persons mounted on the statue; I was called at about two o'clock in the morning, and they were not able to remove them till about six.

Do you recollect who any of those persons were?—Henry Handwich was one of the persons.

Mr. Pascal Paoli Field called in; and examined

By Col. Barry.—What is your situation?—I hold a situation in the bank of Ireland.

Do you recollect being examined by any persons, as to the transactions that took place at the theatre on the 14th of December?—I do.

Where?—In a room in Dublin Castle.

Do you know who the persons were?—The attorney-general for Ireland examined me. There were other gentlemen present, whose names I do not immediately recollect; there was a Mr. Carmichael present.

Was any oath administered to you?—There was; major Sirr administered the oath.

After the oath was administered, what became of major Sirr?—He left the room.

And you were left in the room with the attorney-general, and some other gentlemen?—Yes.

Do you know who Mr. Carmichael is?—I believe he is either the solicitor or the clerk of the Crown.

Will you state what happened on your examination?—I was asked by the attorney-general, if I had been at the theatre on the night on which the row had been stated to have taken place; I said I was not. I was afterwards asked, if I had any thing to do with the circulation of tickets, or with subscribing to the purchase of tickets for the admission of persons for that purpose; I said I had not. I was asked if I had any thing to do with the throwing the bottle or rattle, or if I had coun-

tenanced such proceedings; I said I had not. Shall I state my observations? My feelings were indignant (excuse me) at the supposition that I, who held his majesty's commission in an Irish regiment of militia; I was a subaltern officer. I felt, I say, indignant at the supposition, that I, who received the pay of his majesty, and drew my sword for the protection of his British subjects, should be charged with an attempt to insult or injure his majesty, or his majesty's representative, or to infringe on a charge or request that his majesty, I was informed, had uttered to his people of Ireland on his departure.

Were your depositions taken down in writing?—I suppose they were—a Mr. Carmichael was writing at the time I was speaking.

Were you then dismissed for the time?—After other questions, I was.

Was there anything further particular passed?—Yes; I was asked, if I had heard any conversations upon the subject. I was confused, of course, at the moment, being sent for in a hurry, having no apprehension of anything of the kind; and I said, that I had heard many conversations, as any citizen or person in my walk in life might have heard. I was asked what the conversations I had heard were; I said I had heard various conversations. I was then asked whether I had heard any thing respecting the lord mayor of Dublin; I said I had heard conversations respecting him. What were they? that he had made himself unpopular; in what respect? In not allowing the statue of king William, in College Green, to be dressed according to the old custom of the country.

Were those depositions that were taken down ever afterwards shown to you, in order to be sworn?—They were not.

Were any depositions ever shown to you in the police-office, for you to swear to?—There were.

Did you swear to them?—I did not.

Why did you not?—Because I did not conceive that they agreed, or bore the slightest resemblance to the original inquiry made of me.

You conceived them to differ essentially?—I did materially.

And you declined signing them?—I did.

Did you give that reason at that time?—Yes, to alderman Darley.

Do you know who was present when you were examined in the room at the castle?—I cannot take upon me to recollect the names, time has affected my memory sufficiently not to recollect; I was greatly confused at the moment.

By Mr. Goulburn.—Did you know Mr. Carmichael before?—Yes.

Did you know the attorney-general before?—I did.

Did you know the solicitor-general?—Mr. Joy, I did.

Was he present?—I think he was, I cannot say positively.



Was Mr. Townsend present?—I am not positive. There were many present, but for me to say positively who they were, would be taking too much responsibility upon myself.

What number were present?—There were four or five, or six or seven present, I cannot take upon me to say how many.

Do you recollect any body being present but alderman Darley, at the time you refused to swear to the depositions?—There was.

Who?—Mr. Pemberton.

Were you much confused at the time of this examination at the castle?—Yes, I was.

Did that have any effect upon the answers you gave?—No, I do not think it had any, for I paused sufficiently.

Did it, or not, affect the answers you gave?—I think it might, in some respect.

By Mr. Jones.—You have given a string of questions and answers; are you sure all those questions were put to you, and all those answers given?—I am.

And yet you cannot state the names of any person present, except the attorney-general and Mr. Carmichael?—I cannot speak to their names.

How many persons were there?—I suppose five or six.

What is the reason you cannot name others?—Because I had my face to the attorney-general.

How is it, that, though you cannot name the persons who were present, you have so distinct a recollection of what passed?—Because those questions agitated myself; because I felt hurt that such ideas should be harboured of me.

Did you make a memorandum immediately afterwards, of the questions put to you, and the answers you had given?—No, but I repeated immediately to Mr. Alderman Darley, and to Mr. Williams of the bank of Ireland, what had occurred.

Did you make any memorandum immediately afterwards, of the questions put to you, and your answers?—Afterwards, not immediately.

How soon afterwards?—Two or three months.

Have you got that memorandum with you?—I have not in my pocket.

You have it in town with you?—I have

You will take upon you to say, that the precise questions, or tantamount to those you have stated, were put to you, and the answers you have given were given by you?—Yes.

Can you bring that paper with you at a subsequent time?—I can.

Do you recollect the difference between the deposition read over to you, and your actual deposition?—It began, "the deponent saith, he knows no more about it than a man walking through the world."

Had you used those words?—Not those actual words; I had said what I did actually relate: "that I knew no more of it than any citizen of the world in the walk of life I was in."

There was no essential difference?—No, not essential, perhaps.

What essential difference did you find between the deposition you had made, and the copy which was shown to you?—On looking at the head of the paper it was proposed to me to swear to, I saw so great an alteration, that I said, "Mr. Alderman, this differs so much from my deposition, that I cannot take upon me to sign my name to it."

Do you remember any other differences?—No; I just looked at the commencement, and seeing those words, I refused to go any further.

You had said, that "you knew no more than a citizen of the world in your walk of life," and they had written it "that you knew no more than a man walking through the world?"—Walking through the world may be a figurative expression, but I had not used the word.

Did you read the other part of the deposition?—I looked through the deposition, but cannot recollect it.

Did you find any essential difference in any other part?—To the best of my knowledge, I did.

There was a material difference?—Yes, to the best of my recollection.

By Mr. Plunkett.—Are the other differences as important as the first one you have mentioned; the first was, that you were represented to have said, that you knew no more of it than a man walking through the world, whereas you might have said, that you knew no more of it than a citizen of the world, in your walk of life?—Yes.

Were the other differences as essential as that?—Yes, I believe they were; but I cannot take upon me to say that they were, for I laid it down directly.

Mr. William Ribton Ward called in; and examined

By Colonel Barry.—What is your situation?—I am a solicitor and attorney residing in Bagot-street, Dublin.

Are you the confidential man of business of Mr. Sheriff Thorpe?—I am.

Do you recollect the sheriff receiving a letter, by direction of the attorney-general, respecting the impanelling of the juries?—I recollect the sheriff called upon me, and showed me a letter signed Thomas and William Kemmis, which stated, that it was written by direction of the attorney-general.

Do you recollect what passed between you and the sheriff upon that occasion?—I told the sheriff, that as I was unacquainted with city business, I was incompetent to give him any advice upon the subject, but recommended him to consult with the sub-sheriff, and if they could not agree, to be advised by counsel; at the same time I stated, that were I in his situation, if it was my right to return the panel, I would stand by my right, that I would return a fair and impartial panel; that he was an officer appointed between the king

and the people, and bound to return a fair and impartial panel, and to do justice between both. He replied, that it was always his intention to return a fair and impartial jury.

Do you recollect the day on which the January commission grand jury ignored the bills of indictment, against the persons charged with the riot at the theatre?—I do.

Were you in the Town-clerk's office on that day?—I was.

Was sheriff Thorpe in the office?—Not when I went in.

Did he go in afterwards, before you left it?—He did.

Did he leave the office before you left it?—He did a long time.

Were any other persons in the office at the time that sheriff Thorpe and you were together in the office?—There were several. There was a Mr. O'Reilly, a Mr. John Chagneau, a Mr. Francis Lodge, a Mr. William Hall.

Was there a Mr. M'Namara there?—I do not recollect to have seen Mr. M'Namara there.

Did sheriff Thorpe address you, or any other person in your hearing, saying there would be no bills found, and that he had managed it well?—I did not hear sheriff Thorpe make use of those expressions. He certainly made use of no such expressions at the time.

Was he near you during the whole time he was in the office?—I think he only came in and passed by me, and went out again.

You are positive he made use of no such words to you, or to any other person in your hearing?—I am positive of it.

Could he have made use of such words, and you not have heard them?—I think not. He passed near me in coming in, and passed by me in going back again.

For what object did he go into the office?—I think he left his sword there, but I have only an indistinct recollection of the fact.

He left nothing else there?—Not to my recollection.

Did he come in with his round hat on, or his dress hat as sheriff?—I rather think he had a cocked hat on.

Did he leave his cocked hat?—I think he did not.

Did he open his mouth, and say any thing?—He did.

What did he say?—He put his hand to his mouth and said, "Mum, is Milliken here?"

Did he make any other observation?—None but that.

What did you conceive him to mean by that?—I am rather inclined to think, I put a question to him, I think it was either "have the jury returned the bills," or "can you get me examined by the jury, for I do not wish to stay;" one of those questions I think I put, and he put his hand upon his mouth and said "mum, is Milliken here," or "Milliken mum," it is the oddity of the expression that made me recollect it.

Do you know whom he meant by Milliken?—The bookseller in Grafton-street.

Was not Mr. Milliken the person charged the sheriff with making an improper expression in the theatre of the riot?—I have heard so.

Mr. Thorpe denied the expression, did not he?—Yes.

And Mr. Milliken made an allusion?—Then Mr. Sheriff Thorpe thought Mr. Milliken was a person it would not be an expression before, that he did not be reported?—I think that he was.

You think, when he said, "Milliken here," he would not like to be freely, unless he knew whether an enemy present?—I did not take that meaning, what was conveyed was, that he meant it as a cant word, a cant word used in Dublin after when a question was asked, "is Milliken here."

Do you know where sheriff Thorpe was from?—I do not; but I suppose of the court.

Did you suppose he had been at the grand jury?—No, I cannot suppose the jury room was locked.

Why did you ask Mr. Sheriff Thorpe if the bills would be soon returned?—I did not ask him any such question; I asked whether the bills were returned.

You do not know where he came from?—No.

Had he any conversation at the time the bills were returned?—No, not that I recollect; I do not think the sheriff said any thing but that.

Are you quite sure the sheriff said nothing about the grand jury, or the bills?—I am perfectly satisfied by my hearing.

Could he have said anything in your hearing?—Indeed I think I might have said that he could not; for I must have heard he said it.

Do you now say, he could not have used any expressions, with respect to the grand jury or the bills, without your hearing?—I do say positively, that he could not have used any expressions with respect to the grand jury or the bills, without your hearing them.

Will you take upon yourself to say Mr. M'Namara was not in the office at the time?—Positively I will not.

Do you know Mr. O'Reilly?—He has been long concerned, on opposite sides, in an equity suit.

Had you any conversation in the office, since Mr. O'Reilly and Mr. M'Namara were examined here?—I have.

Was Mr. Corcoran present at the time you had?—He was.

Did you make any observation to the master, relative to what was alluded to?—Yes, Mr. Bouchier was present, and made a reference on Mr. Hudson, who told him that I expected to be summoned to parliament, and could not go until I returned.

Did you say anything with respect to the conversation that had passed in the office on the day of ignoring of the bills?—Yes; I said, in consequence of what I had seen in the paper, I expected to be summoned to parliament.

Did you say anything in respect of the expressions the sheriff had then used?—No; I gave some indication that what had been stated here was not truth.

Did you positively say, that the conversation had not passed?—I did.

Was Mr. Corcoran near you?—He was very near.

Mr. Plunkett here stated, that Mr. M'Namara and Mr. O'Reilly were desirous of being confronted with this witness.

[Mr. Dillon M'Namara was again called in, and the evidence of Mr. Ward was read over in his presence.]

By Mr. Plunkett.—You have heard the evidence Mr. Ward has given with respect to the possibility of the sheriff having made use of the expressions upon the subject of the grand jury ignoring the bills, with reference to which you were examined here on a former day; did you, in the sheriff's office, on that day, hear him make use of any expression with respect to the bills being ignored, or the bills not being found?—I did.

State, as nearly as you recollect, what it was?—Mr. Sheriff Thorpe came into the office, and stated to some gentleman near the fire-place (who that gentleman was, I could not possibly have known, but from what I have heard from Mr. O'Reilly, he has refreshed my memory upon that subject, of the gentleman that he expressed it to), he told him there were no bills. Being asked whether the bills had come down; he said, no; but that he might make his mind perfectly easy upon the subject, or something to that effect.

Do you believe the gentleman to whom he expressed that, was Mr. Ward?—I believe it was. I saw Mr. Ward in the office that day.

Have you any doubt of the expressions being used?—None whatever.

You have stated, that he used some such expression as "have not I done it well?"—I have.

Are you quite positive that an expression of that kind was used by him?—I am.

How long do you suppose sheriff Thorpe was in the office, from the time he came in until he left it?—I should say from three to five minutes. I left it almost immediately, and went into the adjoining room; he might have remained a longer time.

Have you any means of knowing, that Mr. Ward was the person the sheriff addressed, except by since hearing?—No.

As you say you are not certain whether Mr. Ward was in the office at the time the sheriff made use of this language, what reason have you for supposing that Mr. Ward was the person that the sheriff had addressed more than any

other person?—Merely from what Mr. O'Reilly stated to me, that it was Mr. Ward he was speaking to.

Did Mr. O'Reilly say that to you, before either of you were examined here?—He did.

Do you know a person of the name of Hall, an attorney?—I know there is such a person; I have very little acquaintance with him.

Did you have any conversation with him upon this subject?—Never. No conversation on earth on this, and very little on any other subject.

Do you recollect the words, "mum, is Milliken here," by Mr. Sheriff Thorpe?—No, I do not.

Have you listened attentively to the evidence of Mr. Ward, as read by the short-hand writer?—I have.

Are you clear, that the evidence of Mr. Ward and your own, relate to the same occurrence?—I declare I cannot say, Mr. Ward may be quite correct in what he has stated; this conversation may have passed at another time when I was not there; I will not undertake to say that it is not correct.

You will not undertake to say that it relates to the same occurrence?—I cannot.

Was Mr. O'Reilly in the office the time the sheriff was there, and said that you have stated?—Yes.

Did you leave the office soon after?—Yes.

You were in the sheriff's office together, and travelled together?—Yes; it was not on that business I went there; I was in no way interested in the transaction at all.

For what purpose did you go there?—I went on a bill which was preferred against Mr. O'Meara, and I was to have been professionally concerned for a person prosecuted with him.

Mr. O'Reilly told you, positively, that the gentleman, to whom the sheriff addressed his conversation, was Mr. Ward?—He did.

Was there any other person present, except the person whom you consider as Mr. Ward?—There were six or eight persons in the office at the time.

Were you in the office till Mr. Sheriff Thorpe left it?—I rather think not.

Did Mr. Sheriff Thorpe pull off his sword or his hat?—I do not know.

Can you say he did not pull off his hat?—I cannot.

Mr. Terence O'Reilly was again called in, and examined as follows

By Mr. Plunkett.—You recollect having been in the office at the court-house on the day the bills were ignored?—I do.

Will you state whether you have a distinct recollection of any expressions used by sheriff Thorpe upon that occasion, and to whom?—Mr. Sheriff Thorpe came into the office of the clerk of the Crown, and stated that there would be no bills found; and had not he managed the business well, and he then changed his dress and went out.

To whom did he address that conversation?—I conceive he addressed it to this gentleman (Mr. Ward).

Who spoke first, Mr. Sheriff Thorpe, or that gentleman?—I am disposed to think the sheriff spoke first; probably the sheriff asked him, "How do you do, Charley;" I know he addressed him by the name of Charley.

How long did you stay in the office?—I was there from an early hour in the morning until after the attorney-general quitted the court.

Did Mr. M'Namara quit the office before you?—We quitted the office together.

How long was the sheriff in the office?—Probably about fifteen or twenty minutes.

Did you and Mr. M'Namara remain in the office after Mr. Sheriff Thorpe had put on his great coat?—We did, near an hour.

Whereabouts did Mr. M'Namara stand while he put on his great coat?—I cannot be positive whether he stood at the same spot during the whole time; but at the time the words were used, I have a positive recollection that it was at the passage; there might be a bar across here, and he was standing just there.

Was the great coat put on there?—It was not a great coat, it was a surtout.

What did the sheriff do with his sword and hat?—As to his hat, I am not quite positive; but I think he put it in a place under the desk.

Mr. M'Namara must have been in the room during the whole time this was going on?—I think he was.

Did you see him go out?—He was going in and out from that into the court, across the passage, and into the interior office, belonging to the clerk of the Crown; which of the places he was in at the particular time I cannot say.

Were you near Mr. M'Namara at that time?—He was in the office, but I was as far from him as to that table.

Was he there during the time?—I am not quite positive; I think he was.

Did Mr. M'Namara ever mention to you the name of Ward, in respect of this matter?—Never.

Did you mention the name to him?—I did. He said there were some persons present, and he did not recollect who they were; I said, Mr. Ward was the person present, and I knew him.

How long was sheriff Thorpe in the office?—A short time; I think not more than twenty minutes at the time this conversation took place.

Whereabouts in the office was Mr. M'Namara during those twenty minutes?—To the best of my recollection he was standing in the passage, between part of the office which divides where the clerks sit and the other.

During the remainder of the twenty minutes during which sheriff Thorpe remained in the room, did you hear him say anything else?—He might, but I do not recollect it.

How was he occupied?—He came out from

some place, where he got this went behind the counter, and coat, in which he was assistant man, and then went away.

How was he occupied during that elapsed after using those words?—In conversation with this gentleman.

Did he put on his surtout on making use of those expressions for some time.

Then it is possible that he used the expression "murder" you not have heard it?—I have heard it; upon that occasion he said it.

Mr. William Ribton Ward for the defence.

By Col. Barry—You have heard Mr. O'Reilly has given; after that evidence, do you deny that which he has stated?—I do.

At what time of the day were you in the office?—I think between two and three o'clock.

Mr. Terence O'Reilly for the defence.

You have heard the evidence; he states that the sheriff did not stay in the office more than about three minutes; I have stated that the period he was in the office was twenty minutes?—No, twenty minutes; I cannot say the time. I speak to my recollection of the fact.

Sir R. Shaw, bart. a member of the jury examined in his own defence.

By Col. Barry.—Do you know Mr. O'Reilly?—I am not personally acquainted with him.

Do you know his character?—I understand he is a very respectable man.

A man who bears a respectable name?—Very much so, I know a person in, as one of the partners, in a respectable house.

Sir A. B. King, bart. called in evidence.

By Sir J. Newport.—Had you been put into your possession, as either of the juries to be returned to the trial of the rioters, either the petit jury?—Never.

Do you know whether such a person was put into the hands of Stoker you know nothing of the kind, nor do I.

It is understood that you are or deputy master of one of the lodges?—I am a member of an Orange lodge; I have been since 1797. I am master of the Orangemen in this lodge; I feel proud, in this honourable knowledge that I was so, and that I am an Orangeman to be the saviour of the country.

You of course are well acquainted with the rules of the institution?—Generally so.

Are there any portions of the Orange men on their arms; and in order to put the



committee into possession more particularly of the rules and orders of the society, I have brought with me one of the printed books, which I beg to hand in to the committee, for their further information; printed by myself. [The witness delivered in the book.]

Are there no portions of scripture read to the Orangemen upon their admission?—Nothing more than the handing them the book for their instruction, to know whether they subscribe to that, or wish to become a member.

Will you take upon yourself to say, that there are no portions of scripture read at the time of their admission?—Not further than I have stated before.

Are there any portions of scripture inserted in that book?—There are.

Do you recollect whether any portion of the book of Joshua is read to the Orangemen at the time of their admission?—That is part of the secrets of the Orange institution, which I cannot answer to; but I will say this, that there is nothing whatsoever in what the hon. member alludes to, in my opinion, that at all interferes with what is right. I mean to say, there is nothing that I know of. I really feel myself so puzzled, with respect to my feeling, as to developing and declaring anything that I am bound by an obligation to withhold, and a feeling of respect for this honourable committee, that I do trust I shall not be pressed to say that which might hereafter be considered as an evasion of my answer. I wish to give the fullest and fairest answer to any question that can be given to every inquiry; I have come here for the sole object of declaring every thing I know upon the subject; I wish to withhold nothing on earth.

Is the committee to understand, that you are under an obligation on oath, not to divulge what passes in those meetings?—To a certain extent, I am under an obligation to hold secret the signs and words of the institution of the society. As I said before, there is every thing contained in this book, but the words and the signs that I am sworn to keep secret.

Is there not read to Orangemen, at the time of their admission, a verse of Joshua exhorting the Israelites to root out the Amalekites from the land, and exterminate them utterly?—No such thing that I recollect.

Is there anything read to the Orangemen respecting the Amalekites?—As I said before, that certainly goes to a part of my obligation.

Is there, or is there not, anything stated from the scripture to the Orangemen respecting the Amalekites?—Prior to their being sworn, certainly not.

At any time, either at their admission or afterwards?—As to what passes after they are sworn, I do conceive that I am not at liberty to divulge that. [The witness was directed to withdraw.]

Colonel Barry put it to the committee, whether if a Freemason were at the bar

he ought to be compelled to declare the secrets of his society.

Sir J. Newport would not press the question, if it were not material to show that portions of scripture were read, inculcating upon one set of men the fitness of rooting out another. [The witness was again called in.]

Is there, or is there not, anything stated from the scriptures to the Orangemen respecting the Amalekites?—My answer to that question is, that I conceive, being sworn to secrecy I cannot say anything further upon this subject. [The witness was directed to withdraw.]

Sir John Newport then read an opinion of the lord-chief-justice of Ireland, that in the oath of secrecy formed part of the obligation of an Orangeman, his duty would be not to keep but to break it, as, under it, the ends of justice might be frustrated.

Sir G. Hill objected to the inference which the right hon. baronet wished to draw from the opinion of the chief-justice.

Sir J. Newport contended that the oath ought not to stand in the way of a judicial inquiry. The House had greater powers than a court of justice; and if the oath could not there be set up as an excuse for silence, it could not be so used here.

Sir G. Hill said, that nothing had yet been stated by the witness to warrant the conclusion that the text referred to was part of the ceremony of making an Orangeman.

Mr. D. Browne thought the disclosure might be very dangerous to Ireland. He really thought the committee had no power to demand such a disclosure. For himself, he belonged to a society, that of the Freemasons, which would no doubt be considered as a foolish society, but still no power in the country should make him divulge its secrets.

Sir J. Newport said, he would not pry into the secrets of that foolish society, of which the hon. gentleman had avowed himself a member, but he would persevere in the question he had put. If such oaths were to stand in the way of inquiry, there might thus be an end put to the due administration of justice.

Mr. K. Douglas objected to the question being put, and considered the oath of the Orangemen, as analogous to that of a grand jury, and of the Freemasons, neither of which were asked to be divulged.

Mr. R. Martin was clearly of opinion that the question ought to be persevered in, and that the witness ought to be re-

quired to answer it. The reason for refusing the reply was obviously because the witness could not deny the fact. If sir A. B. King did not answer, he must abide the consequences of his refusal.

Mr. *Calcraft* thought this a very favourable opportunity for undeceiving the witness, and others similarly situated. The chairman ought to inform sir A. B. King, that the oath he had taken was no bar to a reply to the question.

Mr. *Wynn* said, that the question was one of great difficulty, as the House had only the choice of inconveniences. He had already stated his decided opinion, that no man could be allowed to plead a voluntary oath as an excuse against answering the questions of any court of justice, much less of the House of Commons. If this were permitted, all inquisitorial power was at an end, since he who wished to resist it need only previously take an oath of secrecy as to the transactions respecting which he was to be examined. On the other hand, it was equally clear that the House was at liberty to exercise the fullest discretion, upon every question which it was proposed to ask of any witness at their bar. In a court of justice the parties had the right to put any question they chose. The judge had only to determine whether it was a legal one, and if it was he could not refuse to admit it. In that House the case was widely different. There the questions were those of the whole body, though proposed by an individual member: there could be no obligation upon any one to consent to a question being put which he conceived to be irrelevant, immaterial, or in any way inexpedient for the public interest. The real point in discussion therefore was, whether the question was or was not relevant and material to the inquiry; and nothing that had passed had convinced him it was not. The inquiry related to the conduct of the sheriff, in returning what he is alleged himself to have designated an Orange jury for a political trial; and it could not therefore be denied that it was essential to ascertain what the obligations and principles of the Orange societies were. It made no difference, in his opinion, whether those principles were announced by an oath, or by a watch-word or symbol. Suppose a society formed with an oath the most innocent, expressive only of general philanthropy, but that the watch-word communicated to the initiated were, "Ye shall bind your king in

chains of iron"—would not its object be equally apparent? In manner, if the watch-word of the society were, the verse which, on the evening, had been read to them, would be manifest that, whatever professions might be, their object was persecution. He rather wished the inquiry to be closer directed to this particular point, instead of being a general inquiry into their signs and words. It would be no sufficient reason for the House to exert its power to compel an answer to an inquiry into the symbols if, as in some other societies, they were mere unintelligible gibberish or manual gestures. It had been surmised and suggested that the watch-word implied persecution, and that was most essential, not only for the satisfaction of the public but to the general interest of the country, that this should be ascertained. What had passed it would be unbelievable, unless it could be directly contradicted. He was himself persuaded that when he considered the names of persons who were generally mentioned as belonging to the Orange society, it would turn out, that this charge against them was unfounded, and upon that account he was the more anxious that the question should be answered. It was with great pain that he stated his difference of opinion with his right hon. friend who sat near him, but he considered it as resting on the merits of public justice, and therefore he desired the House of Commons to be not implicated in the decision of this question, and had no option but to pursue the line of his duty.

Sir *J. Newport* wished the question to be put, because it had been stated by the lord-mayor elect of Dublin that he was an Orangeman, and it was most desirable to learn whether he had or had not been present at the reading of a passage which recommended the rooting out of the Catholics.

Colonel *Barry* denied that it was distinctly in evidence that the witness was an Orangeman. Unquestionably voluntary oaths not to disclose secrets ought to be laughed at; but the Freemasons and Orangemen he declined to think ought to be regarded as exceptions. The latter were a body recognized in the London Gazette as having presented an address to the king, which was graciously received. The proper mode of inquiry would be to

in Ireland at a distance immeasurable. He did not defend the societies; but, upon the whole view of the subject, he submitted that it was impolitic to persevere in the question. He did not doubt, however, that the committee had a right to put it, and to obtain an answer.

Mr. *Brougham* distinguished this oath from that of a grand juror sanctioned by ancient law. It was most absurd to set up this private obligation as an obstacle to inquiry. He did not say that the oath was illegal: it was not necessary for him to go to that extent: it was sufficient that it was an oath unknown to and unauthorized by law. The committee would disgrace itself for ever if it did not insist upon an answer. If it neglected to do so, all that a man would have to do in future to defeat the purposes of justice would be to take an oath to some other individual to conceal the whole truth. The next step would be for a material witness merely to make a covenant with himself for the same purpose.

Mr. *Wetherell* felt that it would be beneath the dignity of the House to expostulate with a witness; but perhaps it might be possible for the chairman to intimate to sir A. King the reasons upon which the committee held him bound to answer the question put to him.

The question for compelling an answer from the witness was then put, and carried.

[The witness was again called in.]

*Chairman.*—Sir Abraham Bradley King: You have objected to answer a question which was asked you on the ground, that as a member of a certain society, you have taken an oath, which, in your opinion, made it improper that you should give that answer: the committee have taken the question into consideration, and are of opinion that no oath taken in any private society can be offered as a plea, in bar of any answer required by a judicial inquiry, and still less any inquiry before this House; they have therefore ordered me to direct you to answer the question.

By Sir *J. Newport*.—Is there, or is there not, anything stated from the scriptures, to the Orangemen, respecting the Amalekites?—I have turned in my thoughts, as much as I possibly could, the nature of the question; and I cannot take upon me exactly to state the words; but this much I will say, that there is nothing whatsoever, in any words, or any part of the obligation, or any statement before or after, that goes to exterminate (if I may so call it, from the manner in which the question was put to me) any portion of his majesty's subjects whatsoever.

Is there, or is there not, anything stated from the scriptures, to the Orangemen, respecting the Amalekites?—I have no particular recollection of the words; but I must again say, with great respect, that there are words connected with the obligation I have taken that I cannot, nor the universe could not make me disclose.

By Mr. *R. Smith*.—Do you conceive that that obligation extends to prevent you from saying, yes or no, to the question that was asked you last?—I stated before, that I have no recollection of the precise words; that there are words that certainly do not bear at all the meaning of the hon. member, who put the question: I say, there is nothing whatsoever in the obligation, before we take or after we take it, or in the whole institution of the Orangemen, that goes to exterminate, or to justify the idea of the extermination, of any class whatever of his majesty's subjects.

Do you conceive the obligation you have mentioned prevents your answering, yes or no, to the question which was put to you?—I have stated already, that I do not recollect the precise words.

Is there anything respecting the Amalekites, stated to an Orangeman?—If the words, that I have sworn to keep secret, at all refer to that, I cannot answer the question.

You are asked, whether you conceive that the oath you have taken prevents your answering, yes or no, to that question; does it, in your conception?—Decidedly it does, if those make part of what I am sworn to conceal.

Do those words make part of what you are sworn to conceal?—I have stated before that I do not recollect.

Then will you answer, or no, to the question which has been put to you?—I do not recollect.

Do you mean to state to the committee, that you do not recollect whether the word Amalekites, is stated to an Orangeman, in the way which the question implies?—I rather think not.

Will you take upon yourself positively to say, that it is not so?—I cannot recollect; but if I am compelled to give an answer upon my belief, I rather think not.

Will you take upon yourself positively to say that they are not?—Certainly I will not.

How long were you deputy grand master of the Orangemen of Ireland?—Some years.

Was it a part of your duty, as deputy grand master, to be present at the ceremonies which passed on the admission of Orangemen, or after their admission?—Sometimes it was; sometimes I might be present, at other times I might not.

In point of fact, have you been frequently present?—I have frequently seen Orangemen made.

Have you been frequently present at ceremonies which have passed after the admission of Orangemen?—Frequently before and after.

Are there certain stated and fixed cere-

nies, which do pass before and after?—Certainly.

Do you mean to say, that you have not a distant recollection of what those ceremonies are?—I do.

How long is it that you have ceased to be deputy grand master?—I think it is nearly three years; better than two.

You again say, that you cannot take upon yourself to recollect, whether anything is communicated to Orangemen, either before their admission or after, about the Amalekites?—I cannot take upon me to say that there is.

How long is it since you were present at the administration of any of those ceremonies to Orangemen?—Certainly not for the last three years, I think.

By Sir G. Hill.—Is there anything in the obligation of an Orangeman's oath, that under any circumstances whatsoever, would call upon him, or oblige him, or authorise him, to withhold testimony from any court of justice, of any transaction that took place in life, that he was called upon as a witness to give his evidence to, in that court of justice?—Certainly not, with respect to the ordinary occurrences of life.

Does the obligation of an Orangeman authorise him to withhold evidence, as to any crime inquired into by a court of justice, or with respect to property, the subject matter of discussion in a court of justice, before a judge and a jury?—Certainly not.

Is it more the obligation of an Orangeman to maintain and support the law, and give effect to justice, than to withhold evidence, where it may be necessary to the elucidation of justice and truth?—We give the fullest and fairest testimony that is possible; every Orangeman is bound to do so; with the exception, as I said before, of divulging the words and signs that he is sworn to keep secret; and nothing else; and that is only that we shall be known to each other; and has no reference whatever, to anything whatsoever, more than that we shall make ourselves known in time of need and necessity.

Is it any part of the obligation of an Orangeman, not to assist all classes of his majesty's subjects, as well those that are not Orangemen as those that are, in preserving them in the full possession of their rights, and doing them justice in any court where they may be called as witnesses?—There is nothing in the obligation to that effect; but there is in the declaration; and for that purpose I brought the book here, and tendered it to the committee for their further information.

Does the declaration contain all the rules and regulations of Orangemen?—It does. The oath is there also.

By Mr. Brougham.—You do not understand the oath to be a secret?—Certainly not; it is in that book I have given in.

How long has that oath been used in Orange societies?—I think I took it in 1797.

Has it never been altered since 1797?—Yes;

there was a slight alteration in the 1820. It was to make it more to do with the society in England.

Do you mean to say, there never was a time, an oath, binding the members of the Orange club, not to give evidence against a brother?—Never, that I know of.

Not to give evidence, with the exception of treason and murder, and those left to the discretion?—Never, that I recollect.

You say, you are not bound to communicate anything, except the signs and the words, and so on, exactly so.

Do you include in the words, ceremony, that may be communicated to you upon admission?—Certainly.

The oath binds you to conceal that which is communicated to you upon admission?—Certainly; like the Friends, and the Freemasons, and so on, the society.

Suppose a question should arise, in a court of justice, which should lead to this story being put, "What were the words communicated to you upon your admission into such a lodge," before a judge and a jury, should you not answer that.

You, before that question had been put, you having taken an oath in the court administered to you, swearing before God, and upon the gospels, to tell the truth, and the whole truth, how should you, taking that oath, without any qualification or reservation, conceal any answer to the question put?—I do not think that that oath binds me of the former one.

Mr. Brougham.—I would advise my friend, not to act upon that persuasion in a court of justice.

By Mr. J. Williams.—You have been present at the administration of the oath, upon many occasions of which you are speaking, say you have been present at the administration—I have, and administered the oath.

And that in many instances?—Several.

As many as twenty?—Oh, I dare say say more, considerably more.

Forty or fifty?—I cannot exactly say, but to a great many.

Is the committee to understand you that you have no recollection, having been present that number of times, as to what is the phrase of Amalekites in the oath?—Certainly not.

In what is communicated after the oath, have you no recollection that there is a phrase.

Do you mean to be doubtful whether there is such a one, or not?—I will not take myself to say positively; but if I am in my belief, I am rather inclined to believe there is not.

Do you recollect from what parts of the constitution those passages are taken?—I must decline to answer that question; that is the question that, with great respect, I decline answering; and I do trust that



mittee will recollect, that I am under the solemn obligation of an oath; the words and the signs are the only things that I am prevented from giving testimony of; and I throw myself upon the committee, I trust they will not press me upon a question of that kind.

Have you any doubt but that, amongst those words, there are quotations from Scripture?—Certainly there are.

Do you object to state, if you remember them, from what part of Scripture those quotations are?—That, I conceive, comes to the point that I before stated that I feel I cannot answer.

The committee is to understand, that you object to stating from what part of Scripture the quotations are?—The reason I feel myself obliged to object to answering that question is, that it might lead, if I told the part of Scripture, to a knowledge of what those words were, which I am bound to keep secret.

*Chairman.*—Sir Abraham King: I have already informed you, that the committee has already decided, that the questions asked in the House must be answered; and that the objection you have made to answering them is not valid; you will consider well, before you refuse to answer the questions which this House has unanimously resolved ought to be answered.—It is my most anxious wish to give the fullest and the fairest answer to every question that can be put to me; but where I am asked to declare that I have sworn not to declare, I may hope and trust the committee will not press it upon me; it is placing me in that situation that, let the consequences be what they may, they must fall upon my head, and I must be the sacrifice.

*Chairman.*—The oath you have taken is a voluntary oath; it is not an oath acknowledged, or which can be acknowledged, as valid in any court of justice; if you were at this moment questioned in a court of justice, as a witness, you would then be put upon oath to answer the questions which were asked you; and you cannot possibly hesitate to be convinced, that a private oath you have voluntarily taken, could not possibly interfere with the oath you will solemnly take in a court of justice: now the authority of this House, though you are not on oath, is considered as of greater authority, and of higher importance, than that of a court of justice; and, under these circumstances, if you will consider for a moment, you must have sufficient understanding and reflection to see, that the questions put must be answered.—I am quite aware of the responsible situation in which I am placed; I feel every respect, and I know the situation in which I am at this moment placed, standing in the first assembly in the world: I do feel, and I do acknowledge, every power that this House possesses, but that of stepping between me and God and my conscience: I cannot help the consequences falling upon my head; severe as they may be I cannot give up my conscience.

By Mr. Brougham.—Do you refuse to answer

the question, aye or no, sir Abraham? The committee has no respect for your private and out-of-doors oaths. Such oaths it is ridiculous to talk about. So far from regarding them as solemnities, the committee considers such oaths as absurdities. Do you refuse to answer the question, aye or no?—Distinctly so.

Mr. Butterworth rose to submit, that the learned gentleman was out of order. He was stating the opinion of the committee, which had not been declared. I had not yet been decided in what way the scruples of the witness were to be treated [The witness was directed to withdraw].

Mr. Brougham expressed his regret that the question had been asked which brought the committee to this issue, before other questions had been put on subjects essential to the inquiry. But now they were on the issue, there was but one way out of it, and that was through it. He had never in his life heard anything with more surprise and indignation than that which had fallen from the hon. member for Dover, whose conscientious regard for the obligation of an oath—[loud cries of "order," which drowned Mr. Brougham's voice].

Mr. Butterworth said, he had interfered because he thought the learned member was not authorised in stating that his question spoke the opinion of all present. He would not pretend to say whether his mind was as enlightened as that of the learned member, but he would say that he had as good a conscience.

Mr. Brougham contended, that he had a right to attribute to the question the authority of the committee as it had even been carried by vote, that notwithstanding the voluntary oath, an answer should be given. He went on to say that he knew of none but legal oaths, and animadverted upon the consequences of allowing the gross, fatal, and most perilous mistake to go abroad, that any other oaths could be protected by the House, and that a regard for the scruples of a tender conscience should be pleaded in support of a mere fanciful pretence to evade testimony, and to give to the mere farce and mockery of improper obligations all the sanction of solemn and legal oaths. He attributed to the hon. member no blame but that of misjudgment.

Mr. Butterworth said, he had no intention to support any system of secret oaths; on the contrary, he thought they ought not to be permitted. He had only

corrected the learned member because he spoke in the plural number, when, in fact, the sense of the committee had not been declared. As a matter of policy, however, he thought it would be attended with fatal consequences, if the question were pressed upon the witness.

Sir *J. Newport* insisted, that the sense of the committee had been taken upon the point.

Mr. *Canning* said, that the learned member was justified in one sense in what he had stated. The opinion of the committee had been taken that the question must be answered; but not upon the identical question to which the learned member had applied himself. The question as to which the committee had decided was substantially the same with that pressed by the learned member; but as it was not identically the same, the hon. member for Dover was entitled to speak to order. As to the merits of the point in discussion, he thought that the committee had a right to demand an answer to its question. In saying this, he took a distinction between the private oath now to be overcome and the legal oath of a grand juror, as to which a question had been raised upon a former evening. His opinion upon the legal oath decidedly was, that even if the House could, it ought not to overrule it; but with respect to the present oath, which was illegal, no doubt, he thought, could be entertained. At the same time, he was bound to suggest to the committee, that although there could be no question of right in the case, yet there might be a question of discretion. He had voted originally against the going into the committee, because he had foreseen considerable difficulty attaching to the inquiry, not the smallest point by any means of that difficulty being the probability of giving a triumph in the end to one of two conflicting parties: but now there arose a difficulty which he really had not foreseen, for the House was in danger, not of merely giving a triumph, but of making a martyr. A certain quantity of false reputation was sure to attach to every man who suffered what might be called a severe calamity; and the witness at the bar was certainly not of that party to which he should be disposed to afford countenance. Under all the circumstances, he doubted whether it might not be advisable to allow sir *A. King* to escape out of the difficulty into

which he had brought himself, a difficulty, as regarded the point at stake, would easily be got rid of if a bill was about to be brought which would do away with the inconvenient private oaths altogether.

Colonel *Barry* observed, that the witness had already answered the question by saying that he did not recollect.

Mr. *Plunkett* said, that the question in which the witness was placed was from his thinking it necessary to answer "Yes," or "No." Now, if the question were so shaped as to put it to the witness whether he recollected from any part of Scripture the words alluded to, taken, he would predict that he would answer, he did not recollect.

Sir *J. Newport* observed, that the simple question for the committee to decide was, whether the House should be prepared to abandon their inquiries into the proceedings of those who having taken illegal oaths, refused to answer questions put to them at the bar of the House. He asked the committee to recollect how persons of less rank than the individual now under examination would behave in a court of justice if they so exposed themselves. And, was it right that any man should dare to withstand the authority of Parliament?

Mr. Secretary *Peel* had no doubt of the right of the House to enforce an answer to the question, but it was a matter of discretion; and he entreated the House to consider that there was on the bill to put an end to secret societies a great deal to be gained together. If the witness believed in the question related to the signs and by which the members of the societies were known to one another, it seemed unnecessary to press for an answer.

Mr. *Butterworth* thought it a mistake not to press the matter.

Mr. *Grattan* said, the witness had distinctly refused to answer, and the committee, it seemed, were to debate whether he should or should not have an opportunity afforded of escaping from any of the consequences of his refusal. It would be of infinitely more consequence, if the deputy grand master of the Orange lodges were allowed to go to Ireland and say that the House was compromised with him.

Mr. *Scarlett* thought it was clearly necessary to go into the question

secret signs and symbols of the society; but there were other things of which it was necessary to be informed. If it was to be a question, whether the witness should be considered a martyr, or that he should triumph over the committee—if one or the other must take place—he (Mr. S.) would prefer to give him the benefit of the martyrdom, rather than the triumph, which he thought would be one of the greatest mischiefs to the country to which he was about to return. As to the bill of which the right hon. gentleman spoke, it was not absolutely certain that it would pass; but if it did, and the witness should escape with impunity, what effect could be expected from the operation of the law? That these oaths were illegal he was clearly of opinion, and that no act of parliament was necessary to make them so, though an act might be requisite to inflict penalties. He was sure that no judge in England, who had heard the witness's refusal, would have hesitated a moment in committing him. If he had, he would deserve to be impeached. Was the House, then, to forego its own rights, and allow the witness to trample on them with impunity? Rather than consent to compromise their privileges, he would give the witness the merit of martyrdom.

Mr. Secretary *Canning* allowed that the House had a perfect right to enforce the answers of witnesses at their bar. He allowed also, that in a court of justice the judge was bound to commit a witness who refused to answer. He by no means wished to estimate the authority of the House at a lower rate than that of a court of justice; but it ought to be recollected, that while they exercised the same authority, they possessed a discretion which a court of justice was not warranted in acting upon. If, however, any member persisted in committing the witness, he would not negative such a vote.

Mr. *Plunkett* admitted that such oaths were already illegal, and that the witness was not justified in refusing to answer the question which had been put to him. But they must all desire if possible not to push the matter to an extremity. All that he wished was, to give the witness the opportunity of making a satisfactory answer. Let him be brought back to the bar, and asked if he recollected from what part of Scripture the texts were taken to which he had alluded.

Mr. *J. Smith* asked, if the House did not insist upon an answer on the present occasion, what would become of their authority on any future occasion, when a witness before them might refuse to answer a question, by saying that he had taken an oath which precluded him from doing so? They could not in justice visit the delinquent in such a case with punishment, if they allowed the present witness to escape with impunity. He should be very sorry to create any disturbance in Ireland, but he would rather do that than abandon the ancient, acknowledged, and useful privileges of that House.

Mr. *Brougham* thought it better to ask the witness again. As the case stood at present, it would go forth to the world, that being asked "whether he refused to answer yes or no," his reply was "distinctly so." He feared that the observation of the right hon. gentleman was very right, as to the injurious effect of giving the witness the merit of martyrdom. What he wished was to give the witness an opportunity of showing his repentance. If, however, the committee were driven to a decisive measure, he should not apprehend so much evil from allowing the witness a crown of martyrdom, as he should from conferring on him the laurel of victory.

Mr. *K. Douglas* thought the difficulty might be removed by asking the witness, whether his hesitation arose from his wish not to disclose the signs and symbols of the Orange societies.

Sir *J. Newport* begged to say, before the witness was again called in, that he decidedly objected to any other question than this:—Whether, on consideration, he adhered to the answer which he had given? To ask him any other question would be to put an end to the authority and dignity of the House. He believed those hon. gentlemen who thought the peace of Ireland would be best consulted by not pressing this matter were much mistaken.

Mr. Secretary *Canning* said, it ought not to be forgotten, that their proceedings on this question would go forth to the world and be criticised. What if it should turn out, that in the whole book of Joshua the Amalekites were not mentioned?

Mr. *Butterworth* said, he had been above stairs to refer, and he had been unable to find the Amalekites mentioned in the book of Joshua [a laugh].

Sir J. Newport referred the hon. gentleman to the 10th chapter of Joshua, the 19th verse, in which the Israelites were exhorted to root out the Amalekites.

Mr. Butterworth replied, that he would go up stairs again, and examine the passage pointed out to him by the right hon. baronet.

Sir J. Newport repeated, that the only matter for the committee to decide upon was, whether they would allow a witness to refuse to answer a question, on the ground that, by the obligation of an oath, he was precluded from doing so?

Mr. Butterworth returned, and said that he had examined the 10th of Joshua, the 19th verse, and found no such passage as that quoted by the hon. baronet [Read, read!]. The verse was as follows:—  
“And stay ye not, but pursue after your enemies, and smite the hindmost of them; suffer them not to enter into their cities; for the Lord your God hath delivered them into your hand.”

[The witness was again called in.]

Chairman.—Sir Abraham Bradley King: I am now to ask you, whether, after the time you have had for reflecting upon the question which was asked you, you are now willing to answer the question; do you object to state, if you remember them, from what part of Scripture those quotations are?—I do; but I do think it would not be dealing with that candour which I think every person placed at this bar is bound to pay to this House, to tell every thing he knows according to the questions asked, if I did not say, that I might generally refer you to the part of Scripture, but in doing that, I know that it would subject me to be followed up by other questions, which would come in the end perhaps to the same thing.

Chairman.—It will be quite time enough to object to any question which is objectionable, when that question is asked?—I will only say, that in the part of Scripture alluded to, there is nothing whatsoever contained, more than the signs and words by which Orangemen know each other, and that is to be found in the Old Testament.

By Mr. Peel.—Do you mean that the verse, or verses of Scripture, which are referred to, are merely used as a symbol or token by which one member of the association can recognize another?—Precisely so.

Exclusively for that purpose?—Exclusively for that purpose, and for no other.

Is there expressly, or by implication, an obligation on any members of the association, who make a reference to the Scripture in that way, to observe any maxim contained in that text of Scripture?—Not at all, there is nothing that I can recollect at this moment.

In the book you have delivered appears that what is called the oath of the Purplemen, is in these terms:—I solemnly and voluntarily swear, keep the signs, words, and tokens of a man, from an Orangeman, as well ignorant; unless authorized to do them by the proper authorities of the Institution” have the words, which, to, any other force than the signs or None.

Mr. Peel said, it now appears words in question were used signs by which Orangemen know each other, and were not at all relevant inquiry before them. He wished the witness's answers might be understood; because, although he most strenuous in supporting of the House to commit, yet discretionary right. He would vote that a witness should be called for not answering a question necessary for the purpose of the inquiry as this related only to signs and it could not be necessary.

Mr. Wetherell was of the same opinion. He could not consent to send a Newgate for not answering inquiries; questions, which in order of reference to the committee concluded.

Sir J. Newport said, that the object of the relevancy of the question, ever right they might be entitled to in other respect, could not be applied. They had not been discovered witness had refused to answer. He was convinced was he of the importance of compelling the witness to answer, would take the sense of the committee although he should stand alone in

Mr. J. Smith observed, that the question had not been answered.

Mr. Peel observed, that it was to proceed further in the inquiry tonight. They had before confined themselves to twelve o'clock, and it was now near two.

Mr. Calcraft thought that the answer of the witness was satisfactory and had relieved the committee of the embarrassment which his refusal had put them in. He therefore moved, that the chairman should report progress.

Mr. Brougham seconded the motion but with very different feelings. He trusted the committee would never be placed in such a situation as that in which his hon. friend's motion extricated them. He could not, he



look upon that as any thing but a subterfuge. The committee had met with nothing but discomfiture in their progress hitherto; but his hon. friend, in his courtesy, discovered that the witness's last answer relieved them. In that they had been referred to the Old Testament. "Oh, then," said his hon. friend, "as that is a book we have at our fingers' ends, this is sufficient; let us toss up our caps, because the committee has got out of the scrape, and report to the House the glorious progress we have made." He only hoped that the public, when a report of these proceedings should go forth to-morrow morning, would see the matter with the same good-natured eyes as those of his hon. friend.

Mr. *Canning* concurred with Mr. *Calcraft*. He could not but think that a reference to the Old Testament was a very fit way of terminating an evening, in which much difficulty had arisen from misunderstanding a passage therein.

Mr. *J. Smith*, looking upon the adjournment only as a means of screening the witness from the consequence of his refusal to answer the questions put to him, would take the sense of the committee upon it.

The committee then divided, on the motion for reporting progress: Ayes, 72; Noes, 19.

## HOUSE OF COMMONS.

*Monday, May 26.*

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a Committee to inquire into the Conduct of the Sheriff of Dublin, sir Robert Heron in the Chair,

Sir *Abraham Bradley King*, bart. was called in; and further examined

By Sir *J. Newport*.—On a former night you stated, that you were an Orangeman prior to the adoption of the new system of 1820?—I did.

Did you take the oath under the old system?—I did.

Will you state whether the oath under the old system was not in these words, "I do solemnly and sincerely swear, of my own free will and accord, that I will, to the utmost of my power, support and defend the present king George the third, his heirs and successors, so long as he or they support the Protestant ascendancy, the constitutions and laws of these kingdoms; and that I will ever hold sacred the name of our glorious deliverer William the third, prince of Orange, and I do further

swear, that I am not, nor ever was a Roman Catholic or Papist; that I was not, am not, nor ever will be a United Irishman; and that I never took the oath of secrecy, to that or any other treasonable society; and I do further swear, in the presence of Almighty God, that I will always conceal and never reveal either part or parts of what is now to be privately communicated to me, until I shall be authorized so to do by the proper authorities of the Orange Institution; that I will neither write it, nor indict it, stamp, stain or engrave it, nor cause it so to be done on paper, parchment, lead, brick, stick, stone, or anything, so that it may be known; and I do further swear, that I have not to my knowledge or belief, been proposed and rejected in or expelled from any other Orange lodge, and that I now become an Orangeman without fear, bribery or corruption: So help me God?"—I cannot take upon me to say, that all the words that the right hon. member has read from that paper, was in the oath I took, but I think substantially they are the same.

In that oath it is stated that you would always conceal and never would reveal any part or parts of what was then to be privately communicated; were these the secret articles so communicated, "that we will bear true allegiance to his majesty king George the third, his heirs and successors, so long as he or they support the Protestant ascendancy, and that we will faithfully support and maintain the laws and constitution of these kingdoms;" was that one of the articles?—No, not one of the secret articles; that was public.

Was that one of the articles that was communicated to you?—That is our public oath, inserted in our oath; it was part of the oath.

"That we will be true to all Orangemen in all just actions, neither wronging one nor seeing him wronged, to our knowledge, without acquainting him thereof;" was that any part of the engagement?—That was no part of the secret obligation.

Was it part of your obligation?—It is in the printed declaration I handed in to the committee, on my first examination.

Is it part of the articles, or part of the engagement you entered into?—It is part of the declaration of the Orange society, it is no part of the secret article that the hon. baronet asked me upon.

Was that part of your engagement as an Orangeman?—Unquestionably, the whole declaration is part of the engagement, it forms the engagement.

"We will be true to all Orangemen in all just actions, neither wronging one nor seeing him wronged, to our knowledge, without acquainting him thereof;" did you enter into any such engagement?—I have stated that it is part of the declaration of the Orange Institution, and of course it became part, no doubt; but it is no part of the secret articles; I wish to give the fullest and the fairest answer that I can, but I understood the right hon. baronet to

ask me whether those were the secret articles.

Have you entered into that engagement, aye or no?—Unquestionably.

“That we are not to see a brother offended for a sixpence or a shilling, or more if convenient, which must be returned the next meeting if possible?”—I have no recollection of anything of the kind.

“We must not give the first assault to any person whatever, that may bring a brother into trouble?”—I have no recollection of that being part.

Can you say that it was not part?—I will not take upon me to swear, for I consider myself here now delivering testimony as on oath, and I will not take upon myself to say that it was not.

“We are not to carry away money, goods or anything from any person whatever, except arms and ammunition, and those only from an enemy;” did you enter into any such engagement?—Never, nor heard of it before.

Is that any part of what you handed in before?—Not at all.

“We are to appear in ten hours warning, or whatever time is required, if possible (provided it is not hurtful to ourselves or families, and that we are served with a lawful summons from the Master), otherwise we are fined as the company think proper?”—No such think that I ever heard of.

“No man can be made an Orangeman without the unanimous approbation of the body?”—There is no such rule that I know of; an Orangeman cannot be made without being proposed into a lodge; or admitted into a lodge; he must be unanimously admitted.

“An Orangeman is to keep a brother’s secret and his own, unless in case of murder, treason and perjury, and that of his own free will?”—I know of no such regulation.

Can you take upon yourself to say, there is no obligation of that kind entered into?—None that I know of.

No Roman Catholic can be admitted on any account?—Certainly not.

Do you recollect having printed gratuitously for distribution, any paper in the year 1820?—I do.

With the title of “Extracts from the Rules and Regulations for the use of Orange societies, revised, corrected and adopted by the grand Orange lodge of Ireland, assembled at Dublin, in January 1820?”—The word “extract” I believe is not mentioned in it; it is exactly what I delivered in at the bar of this House.

Do you recollect whether in the paper you have delivered in, there is a separate obligation stated for persons who are called Purplemen?—There is.

In the obligation of a Purpleman, it is stated that he does solemnly and voluntarily swear, that he will keep the words, signs, and tokens of a Purpleman from an Orangeman, as well as from the ignorant, unless authorized to communicate them by the proper authorities of the Orange Institution; is it not meant by that,

that there are separate characters?—A Purpleman is distinguished from an Orangeman?—It is.

In what book, chapter, and verse of the Bible or Testament, are the passages to be read to an Orangeman?—

[The Witness was directed to

Mr. Secretary *Peel* said, I call the attention of the House to the question. The committee I understand by a majority of 72 to 19, thought it desirable to press a question which the witness would refuse to answer, being under the obligation of secrecy not to disclose. The question was just leading to a similar question that of Friday, and taking over the same ground. His objection that the question ought not to be put because he did not think it pertinent to the inquiry before the House. Undoubtedly, if the question was to be necessary, it was one which the House had a right to put, and to take those answers; or to take those questions which were usual on such occasions. The committee should be of opinion that the question was not necessary, to allow it to be put, and that it must lead to a result that would be less calculated to tranquillize Ireland. Nothing, however, could tend less to tranquillize the country than the sending of the baronet to Newgate. The baronet wished to know what secret signs and symbols existed between one particular set of Orangemen and another. If the hon. baronet had not shown an answer to that question, if it had been asked, could bear upon the inquiry. It was put for the purpose of suppressing such societies, it was necessary; because there was a progress through the House of all societies, having secret symbols, and secret meetings declared illegal. It could not be for showing what was the case with the grand jury or the sheriff, but were other means by which the hon. baronet could come at it. Those points, which were referred to which the committee directed its attention. It was reasons that he was anxious should decide now, that it was one which ought not to be put. Sir J. Newport thought

utmost importance to the inquiry before the House, that they should be informed of the rules and regulations of the Orangemen; for the sheriff was charged with having empanelled a jury of Orangemen, and it was necessary, in order to come at a proper decision on that subject, to know what Orangemen were, and whether, from the nature of their regulations, they were fit persons to decide in a case between Orangemen as such, and the head of the government in Ireland. It was necessary to know the signs and symbols of Orangemen, in order to come at the real case before them. Suppose that one of their symbols was, "We will exterminate the Roman Catholics," would it not be necessary for the House to know it, in forming their opinion whether the sheriff was guilty of partiality in selecting such men for a jury, having to decide in a case to which he had just alluded? It was, then, for the House, under those circumstances, to decide whether they would allow a witness to refuse to communicate those symbols which he knew, on the ground that he was bound to secrecy by a previous obligation. He denied the conclusion drawn by the right hon. gentleman, that the impression of the House was against putting the question. The decision of the House on Friday, as he took it, was not upon the relevancy or irrelevancy of the question put to the witness, but on the propriety of not going further with the examination at that hour. But, even if the House had decided then, still he conceived the question might be again opened. The House and the witness had had considerable time for reflection, and might now re-consider their former opinions. He could not conceive anything more derogatory from the character of the House, as a court of inquiry, than to suffer the witness to go from their bar without answering all questions which they might think it proper to put, and which he had the power to answer. What would be the conduct of the House if they had a United Irishman at their bar, who might refuse to disclose the symbols of his association? Would they allow him to depart, triumphing in his refusal? He would not say what they might be disposed to do now; but he remembered that in former times a different conduct was pursued towards United Irishmen. They were obliged to confess, not only before

inferior courts, but before inferior officers of those courts: and that, too, by means the most cruel. The simple question now before the House was—whether a question which would give them information as to the signs and symbols of Orangemen, many of whom were selected on the grand jury, was relevant to the inquiry which they were carrying on? If they decided that such a question ought not to be pressed, then he would maintain that they were no longer a court of inquiry; for, in order to evade answering, any future witness had only to take a voluntary and illegal oath before he appeared at their bar, binding himself to secrecy on those points on which he expected to be examined, and claim to be exempted on the ground of such oath. He trusted, however, the House would not give up its right, nor forfeit its character with the country, as the highest court of inquiry. It was said, that the witness ought not to be allowed to go away a martyr. He wanted not to make a martyr of the witness; but he would rather see him so, than see him become the victor over the rules and forms of that House. The right hon. gentleman had said, that there was a bill now before the House, which would have the effect of declaring all secret associations in Ireland illegal. It was not his (sir J. N's. fault that such a measure was not introduced long ago. But, in fact, the bill had nothing to do with the case before the House; for the question was not, what the Orangemen might be in future, but what they were at the time the grand jury was empanelled. Under those circumstances, he thought it his duty to press the question.

Mr. *Calcraft* said, he had not moved the adjournment on Friday with any view to get rid of the question put to the witness. Upon what grounds the House supported his motion he would not say but his own was not, that any restriction should be put to questions which hon. members might deem relevant to the inquiry. As to the question now before the House he did not see exactly how it bore upon the inquiry; but if his right hon. friend thought it important, he would not object to it being put, and he thought if put, that the House should teach the witness, that no voluntary obligations entered into before hand could prevent their enforcing an answer.

Mr. *Goulburn* said, he did not rise to

maintain that the House ought not to enforce an answer to any question which it might think proper to put, or to contend that the witness ought to be protected from the consequence of refusing to answer, by any obligations which he might previously have entered into; but he did rise to exercise his right of giving an opinion upon the propriety of the question put. The right hon. baronet seemed to argue the case, as if the question had actually been put to the witness, and that he had refused to answer. However, the committee would recollect, that the witness had not, and could not have refused, because the question was not yet suffered to be put to him; therefore it was useless to take up the time of the committee in discussing what it ought to do, until the occasion should arrive when it might be called upon to act. In his opinion, the question was one which would not answer any end pertinent to the inquiry before them. The right hon. baronet had endeavoured to show its relevancy by saying, that many of the grand jury were Orangemen—that some of the parties accused were Orangemen—that there were secret signs and engagements between them, and therefore that the sheriff was wrong in selecting such a jury to try such a party. Now, it might be perfectly true, that some of the grand jury were Orangemen; and that some of the accused were also Orangemen: but the relevancy of the question about their secret signs and symbols would not be proved, unless the right hon. baronet showed that the sheriff was cognizant of those engagements and secret symbols, and of their operation on the two parties. But how was this fact shown by the evidence? It was distinctly stated, upon the belief of one of the witnesses, that the sheriff was not an Orangeman; that he did not know their secret symbols. But it was upon the proof that he was, and did know them, that the House would be justified in putting the question to the witness. On these grounds, he would say the question was irrelevant. He fully concurred in thinking, that making the witness the martyr which he desired to be, would tend to produce the most fatal effects in Ireland. It was asked what he would do with a United Irishman, if placed at the bar under similar circumstances? He would do the same with him as with an Orangeman. He would not allow him to be protected from an-

swering, by any previous obligation he might have voluntarily entered into; but he would not drive, either the one or the other, to the refusal of disclosure, when such disclosure could be relevant to the inquiry before the House. He did not think the question put to the witness was relevant, and would therefore oppose it.

Mr. *Abercromby* thought that, with reference to the character and dignity of that House, or to the state of Ireland, the question now put was one of the most pertinent that the wit of man could devise. He thought an inquiry into the conduct of the sheriff for partiality in selecting an Orangeman jury was most pertinent. That the sheriff must have been wrong in what the effect of a trial by such a jury would be, was obvious; for he was to have said—"I have got an Orangeman in my pocket." What were the most natural questions in the world to ask after this. And at the moment that question was asked, it was to be stopped and told that the question was not relevant! If that was not a question pertinent to the inquiry, he was at a loss to know what was. Would the House consent to allow an excuse for not answering, which would not be tolerated by any court of law in the country? Would they, who were superior to all courts of justice, allow their inquiry for the sake of truck to Orangemen? Would they allow the heads of that party to go in triumph to Dublin, after having defied the rules and orders of the House? That this would be the case, there was no doubt, if the House did not enforce its orders. And by whom were these men to be met in triumph on their arrival in Dublin? By those very men for the payment of whose large salaries the House had voted such considerable sums this session. If the House would tolerate this, it was as well to let the Orangemen speak out. Let them say what they felt, "We will be good and loyal subjects, as long as you allow us to remain in Ireland as we please." It was quite absurd to think of stopping them in their inquiry after having gone so far. It was most pusillanimous language to say, "We do not wish to give a triumph to any party." That House in the discharge of its important trust, ought not to consider which party might triumph, but which



was right. Would the House shut its eyes to the state of Ireland, and to the influence which Orange associations had upon its government? Would they shut out evidence as to the nature of those associations, after what had been said upon the subject by one of the highest authorities in that country? Judge Fletcher, in a charge given to a grand jury in Ireland in 1814, had pointed out the mischievous effects of Orange societies, particularly in the north, which the learned judge declared "had poisoned the very sources of justice." Would the House, after all they had seen and heard, stop short and declare, that it was not necessary to make any other inquiries into the nature of the secret engagements of Orangemen? He confessed he could conceive no greater triumph which the House could give this man, than their allowing him to go back to Dublin, and to boast, as well he might, of his victory over the House. If the House were content now to say that they would not press a question which they had already solemnly determined to be a fit one to be put to this witness, they were decidedly truckling to the very party which parliament had so repeatedly stigmatized as the cause of the late unhappy commotions in the capital of the sister kingdom. For his own part, he should say, that even were this sir Abraham Bradley King to be permitted to go back to Dublin, amidst the gratulations of all the Orange lodges, that triumph would be poor and contemptible, compared with the mischievous triumph he would carry off, were he permitted, in defiance of the commands of the House, to avail himself of the oath which he had pleaded. No triumph could be to him so great, or by others so much to be deprecated, as that he should be enabled to say, he had foiled, upon a question of this moment, the assembled Commons of England.

Mr. *Pelham* said, that after what had taken place on Friday, the House, he thought, was precluded from granting the indulgence solicited.

Mr. Secretary *Canning* wished to state, very shortly, what the grounds were upon which he meant to found the vote he should give. If he had no doubt in his own mind as to whether or no the power of the House should be exerted, if the question were repeated, to compel an answer to such question, and it were

asked, whether the penalties which the House might inflict should be enforced in order to compel an answer, he should have no difficulty in saying that they ought so to compel it. Independent of the question of their power to require such an answer, he should say, that would be time enough to consider of the mode in which the power was to be enforced, when the House should have finally determined upon exercising it. Recollecting, however, as he did, the power of the House to overrule an oath (meaning thereby an oath which, if not necessarily illegal in itself, was yet not prescribed by law)—recollecting, too, the nature of the penalty which it was most undoubtedly in the power of the House to impose; he did apprehend, that its infliction might lead to consequences the most serious, the most disastrous, and the most to be deprecated. This was a question of judgment and discretion; and one of which he would only say, that after eight and forty hours consideration he retained the same opinion that he had arrived at on a former occasion—namely, that it would be the more discreet course for the House to pursue, to stop before the question that had been proposed was put to the witness, rather than be obliged to deal with that other question of penalty after the first had been put. If, indeed, the consequence of not pressing the first question was to be, that the Orange association was to continue in existence in Ireland, with all the attributes which had been attributed to it, he might justly hesitate upon the point of discretion. But, considering that they had now a bill upon their table, the effect of which was substantially to put down that society, and having before them evidence enough to show what its effects were upon the peace of Ireland, he did not think it expedient to purchase such additional evidence, at the expense of all the difficulties that must ensue upon the putting of the question. In his view of the case the whole matter now immediately under discussion lay in this narrow compass. If, however, there should be a majority of the House who might not look at it from the same point of view that he did; and if they should determine still to put the question, despite of all the difficulties it might entail, he had no hesitation in saying that he would not be the person again to interpose in the matter, and that the consequences of the witness's refusal to

reply must be those which the House had the unquestionable power of visiting upon him. If he thought otherwise, he would not have addressed the House upon this stage of the question, but upon that touching the penalty. As the matter now stood, he did think it better, in point of discretion, to pause now, rather than to push the controversy to the extent which it must go to, if the House once arrived at it, subsequently to putting the question. He thought the House could not mix up the question itself with anything like the principles of this society, and he could declare for his own part, that had the same difficulty arisen with respect to the case of an United Irishman, he should have felt upon it as he did in the case before them. He should have considered, as he now thought, that it was better to stop short on the first occurrence of a difficulty of this nature, than to go on to meet it, in the only way it could be met—by the exercise of the privileges of that House in the punishment of the individual.

Mr. *Brougham* confessed he could much have wished that his right hon. friend, before he had entangled the House in the difficulty of a new question, had waited till the preceding question had been repeated; that question, which had already been proposed, and which after some dispute the House had resolved should be put to the witness, but which, in spite of their almost unanimous resolution, the witness still pertinaciously and contumaciously refused to answer. He said this, because, under submission, it did appear to him, that before they extended their inquiry to any other particular, it was absolutely necessary for the House—(if it wished to retain even the shadow of a power which hitherto it had always been thought to possess—the power of compelling answers to questions put from the chair)—that it should first have an answer to the question which had been put to this witness. But this was the only difference (a difference on the mere point of postponement) between his right hon. friend and himself. Of the question itself, as proposed by the right hon. baronet, there could scarcely be two opinions; and yet it had been adverted to as irrelevant and inexpedient. But, who could seriously doubt of the relevancy of that question? And it was now too late to ask whether or no it was expedient; for it had been put, and the

House had determined properly the witness by the chairman. The committee was to inquire into the conduct of the sheriff of Dublin, against whom evidence had been adduced that having packed an Orange jury, he boasted that he had provided a panel, to try certain parties, accused.

Colonel *Barry* rose to order. The learned gentleman was really a little too much. It had, indeed, been in one part of the evidence which had been given at the bar, that the sheriff had packed an Orange jury; but this was in another part denied.

Mr. *Brougham* resumed. I am quite sure that the right hon. gentleman who had hitherto conducted this with great fairness as well as accuracy and ability, had suffered himself to depart from that course in the present instance. For surely he would see the absolute possibility of arguing one part of the case which must, of necessity, be interlarded with the other, if he (Mr. B.) was to be confined to a course which could be strictly held as correct, because, as yet, there was no decision of the House upon the subject of the evidence. He was not attempting to prejudice any party. He was not prejudging the case. He was not (as he should forbid that he should prejudice) the case of the sheriff of Dublin. He was putting the question hypothetically only. He contended that there stood at that moment, upon the minutes of the House, certain evidence which went in one certain direction. Let it not be said that he was as if he had said that the sheriff had actually, and in truth, packed this grand jury; and did assert, that the House was in possession of evidence to show that the sheriff had come into a certain room, and said, "I have a good Orange panel in my pocket." And this testimony he must be allowed to say was not contradicted; for, as to the attempt which had been made to put the question at the bar, it was really such a failure as he had never before witnessed. [Cries of "Order, order."]

Mr. *Plunkett*, in rising, as he felt compelled to do, to order, was really a little only to recall his learned friend to the course of argument which he had just before so ably and properly pursued. For his learned friend to enter into the merits of the defence, was in fact to anticipate the case which was afterwards to be submitted to the House, on the result of the whole defence.

Mr. *Brougham* felt obliged to his learned friend for the suggestion, and could assure him, that he had been dragged most unwittingly into the statement he was making. He knew, however, that the House was agreed with him upon this part of the evidence—that the sheriff was alleged to have said, and with tokens of satisfaction, “I have got an Orange panel in my pocket.” Now, the committee were to pursue the inquiry, not as to whether the sheriff really said, “I have got an Orange panel in my pocket,” but whether he did or did not pack this grand jury? But packing a grand jury might be the result of his having in his pocket an Orange panel, or it might not. The result of such a panel, again, in the sheriff’s pocket, might have been the polluting of the very source of justice. It would depend on further evidence, to be adduced at the bar, what meaning they were to give, in short, to the words imputed to the sheriff. It would depend on that, whether that admission of which the sheriff was said to have bragged, “that he had this Orange panel about him,” amounted to a declaration of his having polluted the sources of justice, or to any brag at all. For aught that he at present knew to the contrary, the result of the House’s probing to the bottom the meaning of this Orange panel declaration might be, that the sheriff would come out quite clear from the investigation: but, until the House had examined into this matter by more evidence, he must say, that they were totally unable to pursue the principal inquiry with any chance of being enabled to put a rational construction on the evidence adduced already. The question not yet answered had been declared on the other side of the House to be improper. And why? Because the sheriff was an Orangeman. The right hon. secretary for Ireland had observed, triumphing as much in his supposed victory over the right hon. baronet as the sheriff had exulted in the Orange panel in his pocket, that the question in relation to the Orange oath could not be a relevant one, because—and it was the oddest of all reasons—the sheriff himself was not an Orangeman. And then there was a cheer on the right hon. gentleman’s side of the House. “You must first prove,” said the right hon. gentleman, “that the sheriff is conversant with the signs and symbols of the Orange association before you ask sir

Abraham Bradley King such a question. What had this to do with the matter? He (Mr. B.) came to this result—what did the question mean? And he contended, that either the question must be answered, or the whole of the inquiry was a delusion and a mockery. Either the question must be gone into, having been asked, and answer denied, or the whole investigation must be abandoned; unless they chose at once to inform the world, not only that they did abandon it—but only that they felt that they had got into a scrape, and were anxious to get out of it at the earliest possible period—but that they had arrived at a much more favourable conclusion, and one which all mankind would not fail to draw [Hear!]; namely, that all these concessions, these modes of subterfuge, were no more than so many phrases suggested by discretion, “the better part of valour;” that beneath those phrases they meant to conceal what might better be expressed by another word, sometimes also implying the better part of valour; and that another term was made use of only to varnish over their failing or their weakness—the word dignity, which he had heard, with surprise, the right hon. secretary for foreign affairs employ, when recommending the House to fall prostrate before the Orangemen—to yield to the deputy grand master of the Orange lodges. The moment that Abraham Bradley King chose to say, “I won’t answer you,” the right hon. gentleman recommended the House to acquiesce in his—scruples, forsooth: and, after the question had been put on a formal occasion five or six times over, without being objected to on his part, the right hon. gentleman all at once discovered it to be irrelevant. At length, it seemed, after eight and forty hours of deep cogitation upon the dignity and the privileges of parliament, he had been fortunate enough to ascertain, that the question to sir A. B. King was totally irrelevant. Why, if sir Abraham should beat them after thus refusing to answer, and bringing forward his great threat of going to prison, what then? He (Mr. B.) did not go so far as to propose conferring on him the honour of martyrdom: by no means. The House was now so accustomed to defeat, that it was unnecessary to go such lengths. Sir Abraham, vapouring about his Orange oath, and putting forth the *ultima ratio* of the great Orange king, said to the House—“I will go to prison.”

will wear that crown of martyrdom, of which, if you disturb a single laurel on my forehead, all Ireland is undone." Sir Abraham only showed himself now at the bar. He did not even assign reasons for his refusal, and the House yielded to him. With sir Abraham the case was simply "*veni, vidi, vici.*" Indeed, the only difference between him and his great precursor was, that when the latter came among us, he had at least to conquer us after coming: but sir Abraham Bradley King had only to show himself, and to defeat the parliament, the inquiry, and the government altogether. Let not the House suppose that the public out of doors were as kind to them as the House were to themselves. To such conduct as they were pursuing, the public would say effeminacy was the only applicable term. The House might use whatever words it best suited their palate to designate it by; but the world would say, that sir A. B. King, because he was a deputy grand Orange master—because he was a favourite at court, and came before parliament loaded with court honours—because he was connected with men of rank and note,—was not treated by the House of Commons, as they would treat some unfortunate United Irishman, or some poor printer, brought to their bar; but, as lord Redesdale had once said, (and it was impossible not to respect the high authority of an individual connected for many years with Ireland), "the result of that long connexion was, that in that unhappy country there was one justice for the rich, and another for the poor; both of which were equally indefensible in their character." Grieved was he (Mr. B.) to declare, that, even in England and in the House of Commons, there was one right of privilege for the rich, another for the poor; and, though the right hon. gentleman (Mr. Canning) had held himself out as an exception—and a splendid one he would be, if he would act up to the declaration he had made—and though the country would consider him as an exception, if a poor United Irishman should ever be brought up to the bar on a charge of having facilitated the escape of some of those traitors whom his learned friend (Mr. Plunkett), holding with equal hand the scales lately confided to his keeping, had proceeded against; and if, on that Irishman being asked, whether he had not aided in such escape, and had not bragged of having got a Green panel, or an

Eringo-brach panel, or a whatever other arbitrary title a native Irishman might give it, a man, should answer, "Excuse me, under the obligation of an oath, and the Divinity,"—though that gentleman might act up to what would the House at The right hon. gentleman thought that in recommending the question, the hon. baronet not to be put, he would do in the case of an Irishman—that he should be performing his duty in the latter was in the present one, by such a question. So that that gentleman would not, of his give them a triumph over an Irishman; but he was willing to give a much greater triumph, in that namely, that of the Protestant men, as they called themselves, to the Roman Catholics of Ireland. the persons who claimed to be free from violating an illegal oath, and who posed of justice; who were sworn to the king faithfully, as long as they were under the conditions which their oath imposed. But this was not the duty of the House was called on to perform. If, however, they were determined to do so at least in plain and honest language. Let it be once, that they were afraid of the result—that they were about to pass bills to suppress the Orange societies by bills which possibly never pass—that they intended to stigmatize those associations as unlawful, which the law declared to be so—that the his majesty's ministers and officers were against them, they would therefore remedy the evil. all this got abroad, the country would not believe one word of it; but they would believe that which was much more probable—that they would take the precaution to be, that if the House did not press this question about an oath, they were really afraid of the result; and that, in order to preserve the glory of martyrdom, they were willing to put their necks, their dignity, their all low together in the dust, and to put his foot upon them, besides to forego his perilous intention. Mr. Wynn admitted, that



venience attended the putting this question. Of the power of the House to compel an answer he entertained no doubt; but he was disposed to concur with his right hon. friend in doubting the expediency of doing so in this case. He would recommend the right hon. baronet to remodel his question, or postpone it to another opportunity, whether those formed part of the Orange oath.

Sir *J. Newport* expressed his acquiescence in this suggestion.

Colonel *Barry* said, it would be fair to put the question to the witness at once in the way now suggested, rather than lead him on into any unnecessary predicament.

Sir *J. Newport* said, he wished for the present to postpone the question.

Colonel *Barry* objected to the postponement of the question.

Lord *Milton* thought the right hon. colonel was going too fast when he objected to the course of proceeding which the right hon. baronet intended to pursue. In point of form, the question had not yet been put.

Mr. *Croker* was of opinion, that any question which had not been put from the chair might be withdrawn.

Mr. *Brougham* said, that if a question suggested by a member were put from the chair, it certainly could not be withdrawn, because it then became a motion; but, in the present case, the question had only been suggested by the right hon. baronet, and therefore he had a right to withdraw it if he pleased.

Colonel *Barry* said, the committee must be aware that throughout the inquiry, questions had been permitted to be put by individuals, instead of being formally proposed through the chair. The question which the right hon. baronet wished to withdraw had been entered on the minutes. It could not be expunged without the consent of the committee.

Mr. *Croker* suggested, as the only means of getting rid of the difficulty, that some honourable member should move that the question be now put.

Colonel *Barry* moved, that the question be now put.

Mr. *Abercromby* thought the committee would be acting very arbitrarily if they declared that, *volens volens*, a member should put a particular question.

Mr. *Plunkett* said, he could not help thinking the motion just made, a very extraordinary one. The argument of the

gallant colonel was, that the question had been put, it could not be withdrawn, and his that the question be now put. If the question had not been put, what became of his argument, and if it had been put, what was the use of his motion? How, he should be glad to know, was his right hon. friend to withdraw a question which had never been put?

Colonel *Barry* said, that if there were any absurdity in the motion he had proposed, he was not responsible for it. He had taken up the suggestion of the hon. secretary for the admiralty.

Mr. *Wynn* objected to such a motion as nugatory, because, if it were determined that the question should not be now put, such a decision would be no bar to putting it half an hour hence when the circumstances might be materially altered. It would be more regular to allow the hon. member to withdraw the question.

Mr. *T. Wilson* contended, that the question could not be regularly withdrawn without the permission of the committee.

Sir *J. Newport* said, he apprehended no hon. member had the right of calling upon him to put any particular question. Now, he did not choose to put this question at present, and nobody could compel him to put it. It was perfectly competent to him to examine the witness in his own manner, and it was for himself alone to determine hereafter, whether it might not be expedient to put this question.

Mr. Secretary *Peel* said, that if his gallant friend persisted in his motion, he should certainly assist the right hon. baronet in opposing it. He objected to any question being put for the purpose of extorting disclosures as to indifferent symbols or signs adopted by the Orangemen; but if the right hon. bart. had been informed that there were any verses from Scripture relating to extermination read to the party taking the oath, he should not consider this an indifferent matter, and he should not therefore object to putting any question relative to such passages.

[The witness was again called in and examined.]

By Sir *J. Newport*.—You have said, that certain passages of the Scriptures are read to Orangemen on their initiation; state in what part of the Scriptures those passages are to be found?—

Mr. *Banks* suggested that it would be

better to put the question through the chair.

Mr. *Brougham* said, it was material that the committee should pause a little, to consider in what position they now stood. The witness had on two occasions openly contemned the authority of the House. When he was called back the second time, and asked whether he would answer the question put by the committee, he told them distinctly that he would not. The question now at issue between the committee and the witness was, whether they or the witness should prevail? It was said that the question which he had twice contumaciously refused to answer had been answered; and, if this were so, then he (Mr. B.) would admit that the victory, such as it was, had been gained by the committee. But, what was the answer which had been at length obtained? The witness declared that no passages in Scripture were read, except with reference to the signs and symbols by which Orangemen might know each other; as if a thing could not be at once a sign, and a pledge; as if a watch-word might not be also a pledge, and a pledge so much the more fatal, as it would operate in the double capacity of a rallying cry and an obligation. How had the witness answered the question, whether he recollected the part of Scripture from which these verses were taken? the object of the question was, to ascertain where the passage was to be found, and the answer of the witness was marvellously definite, precise, and explicit. The committee called upon the witness to point out the particular part of the Scriptures in which the passage was to be found, and the witness facetiously referred them to the Old Testament. The committee had ample space to expatiate in. The passage might be in Genesis or in Malachi; it might set forth that Abraham begat Isaac, and Isaac begat Jacob; or it might be a passage recommending us to exterminate our enemies root and branch, so that man, woman, nor suckling, might survive. The witness was called upon to point out a particular part of the Scriptures, and he referred them to all the books of the Old Testament—Apocraphy, he supposed, and all. Was there ever a more degrading mockery of the dignity and privileges of that House? It was as gross a mockery, as if the witness had been asked “How many Orangemen are there?”

and had answered, “I will no because I am bound by my or you consult the multiplication may find it out.” Under the stances, he thought, that the motion should be, that, having d chairman to put the question witness having refused to ans committee again direct the to put the question.

Sir *J. Newport* then moved following question be put by man to the witness:—“In w chapter, and verses of the Old are those passages to be found read to an Orangeman at his i

Mr. *Bankes* objected to which appeared like an unnec interference with a man’s consci

Mr. *J. Williams* contended, question was not merely releva solutely necessary to the furth cution of the inquiry.

The committee divided: For the question 87; Against it 117

Mr. *Brougham* then addre House. He wished, he said, could comprehend the motiv had led hon. members to the which had just been announ was afraid that the real ground many members objected to pre last question upon the witness, gard to the religious and cons scruples which he professed to f was afraid that many gentlem what they thought a laudable, what he must ever deem a mist tion—from an error in judgment, from any deliberate wish to cheri associations and illegal oaths—their vote of that night, given th tion to a practice which, if continue, would cut up religio roots, and render the administ oaths in judicial proceedings nugatory. The oaths which the had taken were a mere mock ought to have no obligation; t an irreligious, not a religious ce they were to be discountenan countenanced, by every man w religion and respected law. S his own deliberate opinion. S he would venture to say, woul opinion of every judge who shou occasion to deliver an opinion u most serious subject. He grie there should be any gentlemen House who could not erad

their minds the idea, that regard ought to be paid to these absurd, these irreligious, and, he would add, these blasphemous oaths. Strange as it might appear, it was nevertheless true, that those individuals who were most active in indicting poor people for what they, in their superior wisdom, called blasphemy, were now the foremost in their places in parliament to give countenance to a system of far worse blasphemy. But, passing from that subject, he must again observe, that in the mistaken grounds on which the committee had just decided—grounds which would apply to every other question that might be put to the witness, and which must obstruct at every instant the progress of his examination—in those mistaken grounds he read the decision of the committee, not to consider the propriety or relevancy of the question to be put, so much as the inclination and convenience of the witness to answer it. It seemed as if the first point that the committee would have to decide in all its future questions, would be—not whether the question was fit or proper, or convenient for them to put—but whether it suited the pleasure and convenience of sir Abraham Bradley King, the Orange chieftain, to condescend to give it an answer. If such were the case, he was of opinion, that the committee ought not to expose itself to further humiliation than that which it had already sustained; but as, perchance, it might not happen to be so, and as he wished to avoid doing any thing that might bear the appearance of rashness, he would recommend his right hon. friend to persevere, and to put two or three more questions to the witness at their bar. His right hon. friend could but desist at last, supposing that, after all his efforts, he should still find the committee obstinately bent on patronising the witness in his observance of an oath, acknowledged on all hands to be as illegal in its nature, as it was in its tendency odious and wicked. And here he wished to impress upon the consideration of the committee, that he was by no means the only person who considered this oath an illegal oath. The Attorney-General for Ireland had declared it to be so. The Lord Chief Justice in Ireland had expressed the same opinion, and had further added, that the individual who took it committed a misdemeanour by so doing. What regard, then, ought the House to pay to a witness who rested his defence upon a

violation of the law—who pleaded his own wrong as a bar to their undoubted rights; who unblushingly set up the misdemeanor he had committed as a protection against the inquisitorial functions of the high court of Parliament? Never since parliaments had been in existence did he know of a case where such an outrage had been done to the privileges of the House—in which there had been seen one millionth part of the degradation which this case had brought upon it; and he was astonished that the right hon. gentleman opposite should talk of the danger of making the witness wear the crown of martyrdom on such an occasion. When sir Francis Burdett was committed to the Tower, was it for offering any obstruction like the present to the powers of Parliament? No: it was because he had spoken lightly of certain of their proceedings, in a pamphlet which he had written some two or three weeks after their conclusion. The House, however, by an unprecedented, and, as he should ever contend, by an illegal stretch of power, sent the hon. baronet to the Tower, notwithstanding that the same argument, which was now in use, was raised about giving a triumph and making a martyr. The argument, however, such as it was, had but little effect in that day; though the proceeding to which it related was of such a nature as to place in jeopardy the tranquillity of the metropolis. He mentioned that case, not with a view of approving it—quite the reverse—but with a view of showing how careless, how totally indifferent the House had been about giving triumphs and making martyrs, in a case that was not a thousandth part so exigent, as the case which was then under discussion. He therefore contended, that on every consideration of policy and of justice, the committee was bound to proceed with this investigation. They might, however, be of a different opinion. They might resolve to act upon their recent decision, and might determine not to allow his right hon. friend to put any question to the witness, that he might think it inconvenient to answer. In that case, they had better put an end to this inquiry at once, and with it to all future inquiries; for they might depend upon it, if they exercised their forbearance at present, it would not be by many the last time that they would be called upon to exercise it; and he should like to see with what grace the House would use its privileges. He

should like to see with what grace it would dart its vengeance, for any real or imaginary breach of privilege, at the head of any offending printer, such printer not possessing friends at court, and not having a powerful and illegal association to back him—he should like to see with what grace any minister would propose to punish that printer, supposing he should steadily refuse, even though four times requested, to give any explanation of the breach of privilege he had committed, on the ground that he belonged to the secret association of journeymen printers. Supposing he were to object to reveal the watch-word of the association, and were to bid them look for it in the holy Scriptures, or in Johnson's Dictionary, or even in the Numeration table, and supposing he were to add, "My conscience is tender, I have a regard to my oath: whatever consequences may arise from my refusal, I am prepared to brave them all." He should like to see with what grace any minister, after the defeat which the committee had that night sustained from the Orange Chieftain, would venture to commit that individual to Newgate, or even to the custody of the sergeant at arms. He contended, that by the decision to which the committee had that evening come, it had abdicated its most important functions, and had absolutely committed an act of suicide. If it allowed the witness to brave its vengeance in the manner which he had attempted—if it permitted him to succeed in the violation of the privileges of parliament which he had so daringly contemplated—there was an end to their existence as a branch of the legislature, and they were no longer a House of Commons for any useful or salutary purpose. It only remained for some daring adventurer to play the same game in that House of which it had once before been a witness—to take that mece, which was now placed under the table, but which then rested on it, and bidding them seek the Lord elsewhere, turn them out with the kicks and cuffs they richly merited, and then, ordering the doors to be locked, and putting the key in his pocket, to depart to his lodgings in Whitehall, and to put an end to their existence for ever. [Cheers.]

[The Witness was again called in, and examined]

By Sir J. Newport—Are the following words, or any part thereof, put to any Orangeman, either at his admission or after: "And stay ye not, because after your enemies, and smite

VOL. IX.

the hindermost of them, suffer enter into their cities, for the Lord hath delivered them into your hands: one word of it to the best of my power."

Are any words read to that effect that I know of.

By Mr. Brougham.—From what Old Testament are the words read men on the admission, taken?—

[The witness was ordered to sit.]

Mr. Banks objected to the witness being put.

Mr. Brougham said, that the question was the natural and obvious answer given by the witness. If such interruption was sanctified, a mockery to proceed further than mock inquiry. Every step taken only led to deeper. For his part, as he clearly saw the ministration of the majority, he troubled himself or the community nothing.

Mr. Hutchinson acquiesced in the observation of his learned friend, that the king's ministers had much to do to Ireland and the empire, for they had taken that night. He sacrificed the marquis Wellesley to the Irish government to the Cession. They had allowed the witness to take the most comprehensive information it actually arrived at that point. It was of essential importance that the fullest information should be taken. What an effect it must produce of Ireland, when the great population were told, as the witness that night would tell them, that the dignity of the House of Commons and the principles of justice, sacrificed to the Orange faction. If that had passed, it would be worse to proceed further. He should move, "That the chairman's progress, and ask leave to sit day six months."

Mr. Peel said, he should be trayed by the invective which the gentleman had put forth into the government at an inappropriate time.

Mr. Hume said, that if ministration in refusing to press the witness treated the attorney-general most unfairly; since that gentleman stood, upon his own admission, convicted of being in the wrong. He showed that the sheriff of London packed the jury. Government course they were taking, were endeavouring to prevent the



of the truth. To continue the inquiry under such circumstances, would be a mere farce. He therefore thought it would be better to get rid of it at once by the motion of adjournment.

Mr. *S. Rice* deeply regretted the resolution of the House, which shut out from the inquiry the evidence which was necessary to bring it to a rational conclusion. At the same time, he thought that to close the investigation abruptly, would be unjust to the sheriff of Dublin, and disgraceful to the character of parliament.

Mr. *Grattan* wished his hon. friend to withdraw his motion. Ministers were not acting handsomely; but, to put an end to the inquiry upon the sudden would produce great mischief in Ireland.

Mr. *Peel* said, that if his right hon. friend had no more witnesses to call in defence of the sheriff, he would vote for the adjournment proposed. If the right hon. gentleman had farther witnesses to call, he would vote against that motion.

Colonel *Barry* said, that if the House wished, at the present point, to put an end to the investigation, he should feel perfectly satisfied with the manner in which the sheriff of Dublin had come out of it; but, if any ulterior proceeding was meant to be founded upon the evidence which had been given, he should feel it his duty to call further witnesses.

Mr. *Calcraft* observed, that the House could give no pledge as to an ulterior proceeding. As any member might move such a proceeding, no pledge could be of any value unless given with all the members of the House present. At that moment, even the hon. baronet who had moved for the inquiry was not in his place. He thought no one could suppose that the hon. member for Cork, by his motion, had meant to put an extinguisher upon the proceeding altogether.

The motion of adjournment was put and negatived.

[The witness was again called in and examined.]

Do you consider yourself bound by your oath to keep secret all that passes in the lodge?—No, I do not.

Are you bound by your oath to keep secret any part of what passes in the lodge?—Nothing; but what passes with respect to the making of an Orangeman, the signs and words.

With the exception of the words and signs, may every thing be revealed that passes in an Orange lodge?—I think so.

Is there any thing in the rules of the insti-

tution which would militate against that?—I rather think not.

In what then consist the proceedings of lodges, besides the making of Orangemen, the signs, the tokens, and the symbols?—There is a variety of business to be done, it is impossible to say exactly what it is, a variety of business may or may not be before the lodge.

Can you mention any part of the business, or the general nature of the business?—I declare, I cannot; the lodge is opened, as I mentioned before, according to the rules and regulations that are on the minutes, there is a form of prayer read at the opening the lodge, and at the closing the lodge; during the time the lodge is sitting it is according to the business that comes before them, what that business is, may consist of a variety of things, but I do not conceive there is any thing that a man attending in that lodge would be bound to keep secret, save and except the signs and words.

Is there any thing takes place in those lodges, hostile to any class of his majesty's subjects?—Certainly not; I never knew it, nor I do not believe it.

What office did you hold?—I was deputy grand master of the Orangemen of Ireland.

Is that an annual office?—It is an office that the person is elected to annually.

Is it an annual office?—It is an annual office, he may be displaced, the officers are elected annually, and he is one of them.

Do you at present hold that situation?—I do not.

Were you dismissed from the situation, or did you retire?—I retired.

Have you any objection to say why you retired?—I have not.

State then why you retired?—About three years ago, I think, there was a question occurred, the grand lodge were called upon that question, they were of opinion with me that a certain act was not prudent or necessary to be done at that time; however it was done afterwards, and I did conceive that I ought not to be at the head of a society, that at that time disregarded the instructions that they received from the grand lodge, and I retired.

What was that question?—It was relative to the dressing of the statue.

What were your sentiments upon that occasion?—I thought it imprudent to dress the statue at that time.

Was that at the time of the King's visit to Ireland?—It was prior to the king's visit.

Was it at the time when he was expected?—It was sometime before he came; it was just about the time of the king's coronation.

By Mr. *Butterworth*.—In any part of the Orange institutions, symbols, or anything else, is there any thing directly or indirectly hostile to any class of his majesty's subjects?—Decidedly not.

Are there any political discussions take place in the lodges?—Unless that is called a political discussion; I do not know of any.

Is there any thing in the oath of an Orange-

man, or in the mode of his admission into a lodge, which in your opinion, would induce him to swerve from the principles of justice, either with regard to protestants or Roman catholics, if he were upon a jury of his country?—Decidedly not.

Are you acquainted with sheriff Thorpe?—I am.

Is he an Orangeman?—Not to my knowledge.

Is there anything offensive to any class of his majesty's subjects passes in the Orange lodges?—Nothing that I know of; latterly the Roman catholics have taken offence at the Orangemen and their practices, latterly I have heard of it, but only very latterly; I know of nothing that passes in an Orange lodge that ought to give offence.

By Mr. Hume.—You have stated in your former evidence, that there are certain passages of the Old Testament read when an Orangeman is made; do you recollect what is the purport of those passages of Scripture?—

[The witness was directed to withdraw.]

Mr. Hume insisted, that he had a right to ask the purport, though the decree of the committee had precluded the question as to the particular verse or chapter. What objection could any man have to state the general tendency of the passages, unless they were of a character which he wished to conceal? Might not their purport be to hang all the Roman Catholics? By a concealment of the fact, he had a right to presume that these suppressed passages did convey such an import. And on his conscience he believed they did.

Mr. H. Dawson deprecated these attacks upon the character of such a large and respectable body of the Irish nation as the Orangemen. He never belonged to that association, but if the obligation of an oath were removed, he would become an Orangeman to-morrow. He admired them for their principles and their conduct, and he was convinced that to their exertions Great Britain would have to look for the preservation of Ireland to the empire. And yet it was the fashion of the day to visit with every term of reproach that body. He defied any man to say that there was in the evidence of sir A. B. King anything that did not reflect credit on his character, he was a man of character, and a conspicuous member of the Dublin corporation; but, because that corporation was Orange, epithets of disgrace were lavished on it by members on the other side of the House.

Mr. V. Fitzgerald complained of the

extremes to which two hon. mem gone in the heat of argument; arrogating an exclusive feeling alty on behalf of one party, and attributing to Orangemen universal wish to hang the Catholics. He that the hon. gentleman would propriety of withdrawing the que

Sir J. Newport said he would passed over this discussion in silence for what had fallen from an hon. man vested with an official character. The hon. gent. had stated, that on the of the Orangemen the House was to for the safety of Ireland. But the gentleman did not stop there: he had into a defence of the corporation corporation. But did the hon. gentleman the report of the commissioners counts, charging that very corp with gross malversation, and the of the committee above stairs at the same view, and charging them with embezzlement to the amount of 30

Mr. Peel thought that the question posed had been in substance over already. He advised that it should put generally, "Is there any tendency to hostility in the words used towards other nation?"

Mr. Hume said, that his object was to ascertain the nature of these institutions. To screen the witness from answering the question was a denial of justice; and ministers clearly made themselves guilty in the case, he charged them with participation in a design to suppress the truth. There could be no hope of peace for Ireland until Orangemen, as a body, should be destroyed—till faction should be banished out of that unhappy land. He could conceive what ministers would be at, if he could make of it was, that this part of the same spirit of compromise which they had so often had reason to complain. The secretary for Ireland brought a bill upon the table to put down Orange associations as unlawful. The undersecretary said, that but for the oath they would be an Orangeman. How were they to reconcile these different assertions? He was determined to take the seat upon the House upon the question.

Mr. Grattan said, that if the undersecretary really held these opinions which he professed, he was not fit for his situation. It was clear from what had passed in the bar, that Orangemen ought to be put down.

The committee divided: For putting the question, 77. Against it, 131.

[The witness was again called in and examined.]

By Mr. *Hume*.—Is there anything in that part of the Old Testament which is read at the initiation of an Orangeman, or at any time after, which expresses sentiments of hostility on the part of the Israelites towards any other nation?—I do not think there is.

Are you sure that there are not any such sentiments?—I am.

Are those passages of Scripture such as preach peace and good-will to men in general?—

[The witness was directed to withdraw.]

Mr. *Wetherell* objected to the question, as being put too generally.

Mr. *Hume* thought it strange that the learned gentleman should allow a general question to be put with respect to hostility, and object to its being put with respect to peace.

Mr. *Scarlett* defended the propriety of putting the question.

Mr. *Ellice* suggested to the right hon. secretary, that it would be more consistent with the manly and candid course which he had hitherto adopted, to postpone the further consideration of the question till this day six months. He would ask him whether he did not think that such a course would be more likely to promote the peace and happiness of Ireland.

Mr. Secretary *Peel* thought he might be allowed to express some surprise at the hon. member's coming down, after having comfortably dined, and asking him whether he had not better follow a course which had already been twice decided against by the House. He would now, in his turn, ask, whether the questions which had been put were not trifling with the House? whether it had not already been decided, that the witness ought not to be compelled to give any further answers.

Mr. *Ellice* begged to assure the right hon. gentleman that he had divided upon both the motions. The result of the first had induced him to think the cause was hopeless; that of the second had convinced him it was so. His majesty's government, at first opposed to the inquiry, had in its progress thrown every obstacle in the way, conformably to that system of compromise which was their distinguishing character. It was because he saw that to proceed further would be an unprofitable waste of time, that he had called upon the right hon. gentle-

man to move that the Chairman report progress, and ask leave to sit again on that day six months. He could not do himself with consistency, because he had voted in the first instance for the inquiry and subsequently for the questions which had been negatived.

Mr. *Scarlett* said, that the minority, which he formed one, were of opinion that the object and the political effect of the Orange associations were injurious to the public peace of Ireland. The majority thought otherwise. If that latter opinion were well founded, they ought not to object to the inquiry. But, as long as the witness at the bar was permitted, upon every frivolous pretext, to suppress his answer, no good purpose could be accomplished by continuing the questions.

Mr. *Jones* thought, that whatever might be the opinion as to the conduct of the sheriff, there was no one who must not be satisfied that no imputation could attach to the attorney-general for Ireland. He thought it would be better to postpone for six months any further progress in the inquiry.

Sir *J. Yorke* said, that if the House could not get at the truth of the case, it would be better to put an end to the inquiry, and he hoped that the hon. gentleman would move to that effect. But this he would say, that "come what may," to use the words of the right hon. secretary if a witness at the bar of that House would not disclose what he must know he should go instantly to Newgate, where ever he might be.

Mr. *Jones* adopted the suggestion, and moved, "That the Chairman report progress, and ask leave to sit again on that day six months."

Mr. *J. Smith* said, he could not help expressing how deeply disappointed he felt. When the right hon. gentleman (Mr. Canning) was appointed to his present situation, although he differed from him on many political questions, yet considering his great talents, he rejoiced at his appointment, because he thought it the harbinger of a wise and liberal policy towards Ireland. Those hopes, he was sorry to say, had not been realised. But, although little good would result from this investigation, it would still, he trusted, be productive of some; for every man who had attended to it, must be satisfied, that the administration of justice in that country required revision, He

should, therefore, oppose the motion just made.

Mr. Jones thought the sooner the subject was consigned to oblivion the better.

Mr. Canning said, that having objected originally to the inquiry, foreseeing the state in which the House would be placed by it, he did not feel himself at liberty to interfere in the present question, and should therefore decline giving any vote at all.

Colonel Barry was perfectly satisfied with the case of the sheriff as it then stood. If the hon. baronet were voted out of the chair, he was willing to concur in the motion; but if it was intended to found any ulterior proceeding upon the evidence before the House, then he must examine to the end. If he did otherwise, he felt he should be giving up his duty; and therefore, with all the inclination he had to save himself and the House from fatigue, unless the proceedings were to be altogether closed, he must proceed.

Mr. Daly recommended his hon. friend to rest the case where it stood, and take the chance of any ulterior proceeding. It was competent for any member to originate any motion from the evidence; but he did not anticipate that such a step would be taken.

Colonel Barry concurred.

Mr. Calcraft, alluding to the opinion he had previously expressed in the course of the evening, did not think he was precluded by it from recommending the hon. colonel to examine all his evidence now. Let not the hon. member flatter himself that the case could rest here. He should be sorry if it were now closed under any such impression. The right hon. gentleman (Mr. Canning) must excuse him if he looked upon his last declaration as a most singular one. With great submission, he thought he was bound to make up his mind to Ay or No. The right hon. gentleman (excellent prophet!) had foreseen the situation in which the House would be placed. He (Mr. Calcraft) had also foreseen it; but he defied any man to say that the House had not received much useful information from the inquiry. He should oppose the motion if it went to shut out all further inquiry. When the whole case was before the House, it could form an opinion; and now that there was but one more witness to examine, it would be absurd to stop short. He entreated gentlemen to pause before they gave a

vote on this question. They were in the exercise of their highest faculty and upon a case in which, whether inquiry were fitting or not, they solved that it should be entered into.

Mr. Canning said, if the case were closed, he should not have felt at liberty to say that he would withhold his vote. The hon. gentleman had misunderstood him, if he supposed he had intended to withdraw from the discussion the case should come for the decision of the House. But, if those who carried the case on either side thought fit to terminate it prematurely, he would not give any vote of his, preclude such a disposing of it.

Sir J. Newport said, that as the case had originated with the hon. baronet member for Westminster, who was absent from indisposition, the case ought to be closed without his consent.

Mr. Bennet said, the investigation had fully answered his expectations. He appeared from the evidence of one witness, a police magistrate (Sirr), that a great deal of tampering existed in Ireland, which ought not to be tolerated. With respect to the case in Dublin, the practice of striking was evidently called for correction. As respects that House, the investigation clearly displayed the system which was at work both within and without it.

The Committee divided on Mr. Canning's motion: Ayes, 42. Noes, 173. A majority against it, 131. The Committee was then directed to report progress and to ask leave to sit again.

## HOUSE OF LORDS, Tuesday, May 27.

COMMUTATION OF TITHES IN IRELAND.] The Marquis of Lansdowne presented a petition, signed by three-fourths of the beneficed clergy and lay-impropriators of the united parishes of Limerick, Ardfert, and including the whole of the county Kerry, and a considerable part of county Cork, praying for a Commutation of Tithes. The noble marquis served, that the district from which the petition came was part of the most populous region of the south of Ireland, and the petitioners prayed the House, in principles of justice, to pass into some measure for enforcing such a commutation. If the opinion of any



was entitled to peculiar weight on this question, it was that of the petitioners, who resided on the spot, who knew the subject practically, and who were acquainted with all the operations of the system under which they lived. It was reasonable to believe that such men felt an interest and regard for the happiness and prosperity of the population with whom they were concerned, as well as for their own. In both points of view, the petitioners considered the question, and they stated it to be essential to the happiness of the country, to the preservation of order, and to their own interests, that some equitable principle of commutation should be acted upon, and made part of the permanent law of the land. He trusted the House would feel it to be an additional argument in favour of such a measure, that it would take out of the Statute-book laws of the most oppressive and tyrannical kind, laws which he was convinced nothing could ever induce the legislature to pass with reference to this country, but which were enforced in Ireland, on the alleged ground that they were absolutely necessary to carry into effect the system of tithes, as they now existed in that kingdom. Laws so tyrannical and so unjust ought not to be afforded the opportunity of execution. He should be doing great injustice to the Protestant clergy of Ireland, however, if he did not state, that they seldom had recourse to those laws, to the extent to which they might enforce them; but he should call to the attention of their lordships, that, under all systems liable to abuse, it was in the power of a minority, by acting up to the extent of the authority and discretion vested in them, to spread wider the sphere of disturbance, and lay the foundation, as it had been laid in places heretofore peaceable, of irritation, discontent, and even of actual insurrection. While there was a minority who were thus inclined to administer the laws, although the majority consisted of more humane, considerate, and patriotic persons, who took a right view of the system as it operated on themselves, their flocks, and the best interests of their country, yet their lordships would see substantial grounds for taking the prayer of the petition into their serious consideration. The argument chiefly relied on in opposition to a practical measure, was, that the property to be commuted was sacred and inviolable. That it was sacred, as the pos-

session of particular persons, independently of the object and duties to which it had been originally appropriated, he could never allow; but he was free to admit, that such property was sacred to the purposes of religion, to the moral instruction of the people, and to their happiness. He hoped, that such steps would be taken as would diminish, instead of increasing, the line of separation that an unwise system had drawn between the church and the people of Ireland.

Ordered to lie on the table.

#### MARRIAGE ACT AMENDMENT BILL.]

The Archbishop of *Canterbury* rose to move the second reading of this bill. The right reverend prelate observed, that the portion of the bill, which in that stage demanded their lordships' particular attention, was the clause relative to the voidability of marriages. By the old law, the marriages of minors, without consent, were declared void *ab initio*; but the committee, after due deliberation, thought it would be less objectionable to render such marriages voidable within a year. The provisions for the prevention of clandestine marriages, under the old law, were too severe to be brought into execution with effect, and improper advantage had been but too frequently taken of them. The committee, in endeavouring to repair the mischief, found themselves involved in great difficulties, among which they had to make their option. They had no course but either to make the consent of parents or their representatives unnecessary, and thus, on a most important occasion take away the protection of the law from the exercise of the parental office; or to restore the nullity clause of the 26th Geo. 2nd, by which the marriage of a minor without consent might be at any subsequent and indefinite period set aside; or to adopt the mitigated course as shaped out in this bill; by which parents, or those who represented them, could within a year annul the unlawful marriage. This last mode he considered the least objectionable; though it was not altogether without objection. Those who opposed the voidability of marriages, went upon the principle, that those whom God had joined should not be separated by man; but it should be recollected, that marriages might be obtained in a manner that the laws of man would not allow, and therefore could not be approved of by the laws of God. The sacredness of

marriages ought to be maintained; but its inviolability might be carried to an injurious extreme. Marriage was the foundation of civil society, and it was of the first importance that its engagements should have the combined protection of the law of the land, and the sanctions of religion.

Lord *Ellenborough* observed, that we were now under the old law, with the exception of that clause by which marriages, under certain circumstances, were declared void. We had been two or three months under that law without suffering any inconvenience; and he hoped the House would bear that in mind when considering the change introduced by this bill. This bill was not that full and comprehensive measure which the House had reason to expect, from the promises held out by its most reverend and learned promoters. It contained little more than the last bill, and left several points untouched, on which it was of the greatest moment that no doubt should exist. The validity of all marriages in foreign countries ought to be cleared up, and subjects residing abroad should be able to ascertain the precise situation in which they stood in this respect, without the necessity of an application to a court of justice. It would be recollected, that a petition had been presented relative to this subject from the Russia company, when a learned lord had declared that he had no doubt of the validity of such marriages. Doubts, however, were entertained by the parties themselves, and they ought to be removed by positive enactment. Facilities on this important point ought to be afforded to Dissenters, and to Roman Catholics. In Ireland, when both the parties were Catholics, the marriage was valid if performed according to the rites of that church; but Catholics coming to this country might not think of having recourse to the formalities made necessary here, and the marriage might in consequence be invalid, and was not this an encouragement to immorality? With regard to the marriages of minors, as the law stood now, it operated differently on the rich and the poor; for where there was no property to render the invalidation an object, the most incestuous marriages might now be tolerated. He thought that, in order to equalize the law and maintain the principle consistently, such marriages should be declared null and void *ab initio*. With respect to the clause to which the right

reverend prelate had called the attention of the House, it seemed to be the feeling of the country, that marriages should remain in the same state as they now stood and had stood years back. The clause of which he was in fact nugatory. But, if the House was as anxious to respect parental authority as the right rev. prelate would have it, they should respect them in the same manner as the woman as well as of the man. This clause did no such thing: it was in favour of the man and a woman. It did all that could be done to encourage seduction under the name of marriage. Instead of being introduced by the right rev. prelate and lord, it would seem as if it were the work of a set of dissolute men who were desirous of legislating against the morals professed by the libertine Don Juan.

The Earl of *Westmorland* opposed the clause, as an infringement on the rights of the morals, and the laws of the country, as well as on the rights of property.

The Bishop of *Chester* opposed the clause, as being directly contrary to the word of God. It was not a clause that could be enacted by a Christian legislature. In all events, he would not be obliged to give his vote for putting asunder that which God had joined.

The Bishop of *Derry* was anxious that it should not go forth to the public, as incestuous marriages could be contracted under any circumstances. If a man should marry his daughter, or his daughter's descendant of her's, the progeny of such marriage must be illegitimate, the marriage itself being void *ab initio*.

Lord *Ellenborough* said, he was not so positive as to the correctness of the observation, but he would rather give his exposition of the law from a less authority than from the reverend prelate.

The Lord Chancellor said, that he had been told the present was not the time to discuss the measure; though he had been appealed to, he would only say, that he was of opinion, that the law of scripture, as the law of the land, should be more considered than it appears to have been in the bills which they had yet seen.

The bill was then read a second time.

HOUSE OF COMMONS  
Tuesday, May 27.

SMALL DEBTS RECOVERY

THE.] Lord *Althorp* brought up the Report of the Select Committee on the subject of the Recovery of Small Debts. He wished, he said, to be allowed to take up a few minutes of the time of the House in stating what the substance of that report was; for, from the number of letters which he had received from all parts of the country on the subject, it was evident that a great and general anxiety prevailed respecting it. Nor was it at all a matter of surprise to him that the question should excite so much public interest; seeing that the present state of the law amounted to nothing less than an absolute denial of justice to almost all the creditors in the country with regard to debts due to them under the value of 15*l*. No man to whom a sum under 15*l*. was due, would now think of attempting to recover it, unless he was actuated by motives of a vindictive nature. No regard to his interest alone would induce him to commence legal proceedings. That being the case, it certainly was very natural that a great anxiety should prevail to see such a state of things set right, if possible. One great evil attending it, where no cheap court existed, was, that in such places tradesmen frequently turned away their servants without notice, and without paying them any wages, and that the latter had no means of recovering what was due to them, but by an action at common law. The consequence of all this was, that the legislature had, at various times, established what were called Courts of Requests in various parts of the country; the members of which, who were principally tradesmen, were made judges both of the law and of the fact. Although courts of this nature were very suitable to towns and to populous parts of the country, they were by no means applicable to agricultural districts. It was impossible, in such districts, to find persons of sufficient leisure and respectability to constitute those courts. And if such courts were formed in the populous districts only, the object of them would be easily defeated; as a person going from one district to another could not be followed by the court. The committee, therefore, felt that to recommend the establishment of a greater number of these courts of request would be to no purpose. But the point to which the attention of the committee had consequently been drawn, was the expediency of establishing regular county courts in such a manner, and on

such a footing, as to enable a creditor to have a cheap recovery by a proceeding in them. At present, those courts were open to two objections. For a debt the smallest, the proceedings were voluminous as for a debt of the large amount; and the same means also existed of interposing vexatious delays in the conduct of the suit. There was also the objection of the probable distance of witnesses from the place at which they would be called upon to give their testimony in support of the claim. To obviate the objections it became necessary, that the proceedings in the county courts, should be simplified. To effect this, the committee recommended, that the proceeding should be by a simple bill of plaint, by which alone the creditor, under the circumstances which he had described, should be enabled to recover. To obviate the objection arising from distance, the committee recommended that the courts should sit at such different places in the county as might appear to the justices at the session to be the most proper and convenient. By this means, the expense of travelling, the loss of time, and other inconveniences would be, in a great measure, got rid of. This plan, it was hoped, would render the county courts cheap, but as it also became necessary to render them courts of justice, it was expedient to make some alteration in their constitution. As at present constituted, the deputies of the sheriff were made the judges of the law and the fact. It was intended that a barrister of some years standing should be made assessor to the sheriff and should preside in those courts. The committee had then to consider, in whose hands the appointment of those assessors should be vested. On the best consideration which they had been able to give to the subject, it appeared to them that it ought to be vested in the lord lieutenant of the county. If it were vested in the Crown it would so greatly increase the influence of the Crown, that he should be sorry indeed to recommend any such measure. Nor did he know any better mode of appointment than that which the committee had suggested. If the appointments were vested in the hands of the justices of the peace at the quarter sessions, the number of individuals would too much diminish the responsibility that ought to attach to such a right.—Another part of the subject to which the committee had found it necessary to direct their atten-

tion; was the way in which the assessors were to be paid. If by fees, there was great danger lest the judge should huddle over cases with too much rapidity; if by the number of days of sitting, the opposite danger was incurred; namely, that he would delay the completion of every case as long as possible. It had been thought much the best plan, therefore, to pay the assessor a fixed salary, out of the county rate, to which a fund arising from certain small fees, to be paid by the suitors in these county courts, might furnish sufficient means for that purpose, with little or no additional burthen to the population at large. He believed he had stated the general points to which the attention of the committee had been called. — There were one or two other subjects connected with the question, on which he begged to say a few words. As by the means thus recommended, a cheaper mode of recovering debts would be furnished to the tradesman than that which he at present possessed, it was not too much to expect from him in return, that he should use more diligence in collecting and suing for them. It was proposed, therefore, that a statute of limitation should be passed, the term of which should be two years; that no action should be maintained in these county courts on any cause of more than two years standing. He knew it might be said, that this provision would occasion considerable alarm. But why should it do so? When a tradesman allowed his customer more than two years' credit, it was either because he could not get at him, to which case it was not intended that the statute of limitation should be applicable, or because he confided in him, in which case he would never proceed by law at all. — There was another point on which he was well aware there would be some difference of opinion. It would be said, that as a great quantity of business would be taken out of the courts of Westminster-hall, compensation would be required. To any such proposition he was decidedly adverse. Convinced as he was, that the present state of the law was an absolute denial of justice, he could never allow, that any man had a vested right in the denial of justice. Nothing would induce him to propose any such compensation: but, as a practical man, he knew very well that he might be forced to adopt such a proposition. On this, however, he was determined, that he would

bring up the bill without any for compensation, and that he his best to resist the introduction of such provision. It was not his to endeavour to pass the bill in the session. All that he meant to was, that it should be read a second time, go through the committee for the purpose of having the bill filled up, be printed, and then stand until the next session.

Mr. *Scarlett* said, he could give information to the House, with respect to call for compensation, in consequence of this bill. He thought the general principle of the measure was good. His not having had the goodness to communicate him the general principle of the bill, he, at present, certainly saw no objection to it. So far as the measure had been explained to him, it appeared calculated to produce great public benefit. Ordered to be printed.

#### COMBINATION OF WORKMEN

Mr. *Littleton* presented a petition from the Coal and Iron masters of Dudley, a bill brought in by the hon. member for Coventry to repeal the different statutes relating to the Combination of Workmen and for settling disputes between Masters and Journeymen. He gave credit to the hon. gentleman for his motives; but was a measure full of minute and tedious regulations, which no man connected with the manufacturing trade could possibly approve of. The hon. member for Coventry talked of the advantages which would accrue from referring his bill to a committee above the House. It was unquestionably desirable to consider the whole subject, and not such a bill as the hon. member had concocted, should be referred to the consideration of a committee, to decide what portions of it might appear necessary to repeal, and what part of them the interest of the manufacturers required to be preserved. In that committee, all parties should be heard. The hon. member might say, that the bill would go through the committee in the regular course: but it was a different thing to submit the bill to a committee composed of gentlemen whose experience, whose habits, and whose abilities, rendered them peculiarly fit to decide on it, and to lay it before the committee in the ordinary course of business, merely to consider its details. Now gave the hon. member notice



whenever he moved the second reading of the bill, he should move, as an amendment, "that it be read that day six months." He wished to know whether the hon. member had any objection to postponing the measure for a few days?

Mr. *P. Moore* was glad the hon. gentleman had stated his objections to the bill, because, from the moment he had brought it in, he had endeavoured to provoke the most extended inquiry. Although the bill had been printed five weeks, he had not asked the opinion of any hon. member with respect to it; neither did he intend to do so for some time to come. As to a further postponement of the measure, he had no objection to that course, if it were necessary for the purpose of procuring information. He begged leave to ask, from whom the petitions against the bill came? They came from the master-manufacturers, who were opposed to those classes for whose security he wished to provide; namely, the operative workmen. When the hon. member came forward with his hundreds who petitioned against the bill, he must be allowed to point to his millions who were in favour of it. The master manufacturers had infinitely more trouble, under the existing law, than they could possibly have under that which he proposed. He believed that nineteen-twentieths of the poor-rates were occasioned by the pinchings which the rich manufacturers inflicted on the wages of their workmen. If the operative manufacturers were properly paid, the products of agriculture and of the loom would prosper, and there would be little or no poor-rates at all. If one farthing a day were added to the wages of the 5,000,000 of the manufacturers who were employed in this country, it would amount to a total of 2,040,000*l.* annually. For his own part, he was certain this bill would do much good. He cared not whether gentlemen in office or out of office carried it into effect, so that it was adopted. The chief objects of his bill were, first, to repeal several obsolete laws. The judges themselves had condemned many of these laws; and, if he even stopped at that point, the bill would be beneficial. It next provided for the hiring and paying of workmen; and it provided also for the regulation of wages. The power of the regulation was, by the bill, taken out of the magistrates' hands, and left with the parties themselves; who, under particular

circumstances, were to have recourse to reference. The bill had cost him much time, trouble, and expense; and he trusted his exertions would not be thrown away. If, when it went to the committee up stairs, he could not convince the hon. member for Staffordshire, that its principle was a good one, he would give it up. But he would never give up the fact that he (Mr. Peter Moore) was the person who had brought forward such a measure.

Mr. *S. Wortley* thought the hon. member for Coventry deserved the thanks of the country for having brought the subject under the notice of parliament. Certainly some alteration was necessary in these laws; and he believed the Combination act, whenever it had been appealed to, had constantly recoiled on the masters; therefore the sooner it was got rid of the better. He should have felt much more inclination to vote for the present bill, if it had only gone to the repeal of existing laws; but it went a great deal further, as it contained many new provisions which ought to be seriously considered before the bill was passed.

Lord *Stanley* intreated the hon. member for Coventry not to press on this bill. In his opinion, it ought to go to a committee above stairs, there to be thoroughly examined, and then stand over until next session; which would give the manufacturing districts an opportunity of understanding all the provisions which it was intended to propose. It would be a hazardous thing to do away at one sweep with forty-four statutes, without much previous consideration and inquiry. He had read the bill, but he had not read the pamphlet which the hon. member for Coventry had disseminated with it.

Mr. *Huskisson* was bound in justice to say, that the hon. member for Coventry had acted in a manner quite consistent with the course which he had stated, at the commencement of the session, it was his intention to pursue. The hon. member had then said, that he would introduce the bill, and afterwards leave it to a committee up stairs. He concurred with others in thinking, that the House was under an obligation to the hon. member for agitating this subject, and bringing it under the notice of the House. He had, it appeared, drawn up a kind of history of the minute, absurd, ridiculous and mischievous regulations, which had, from time to time, been introduced into the Statute book on the subject of interference

between the master and the workman. But he must say, that to attempt to remove all the regulations which were contained in forty-four acts of parliament—to correct, at one sweep, a system full of complication and annoyance—was next to impossible. In fact, the hon. member had himself added to the complication of the system. In endeavouring to rectify it, he had fallen into the very error which he deprecated; for his bill contained regulations so minute, so inapplicable to existing circumstances, and, in many instances, so impossible to be carried into effect, that instead of having forty-four acts of parliament to deal with, some of which had fallen into disuse, it would be found that this one bill was enough to control, embarrass, and perplex the regulations of any trade or manufacture. He wished every circulation to be given to the bill, and to the still more valuable information, which, he understood, accompanied it; but he thought it would be necessary to pause before they agreed to so extensive a measure. The hon. member for Staffordshire had, he perceived, the pamphlet in his hand; but where it was to be procured he (Mr. H.) did not know. He hoped the hon. member would not press the bill this session; but would let the mass of information he had collected go forth to the country, that the minds of those who were interested in the measure might be directed to the subject. The country was much obliged to him for the information he had collected; since he had, it seemed, in comparatively few pages given the history of so many acts of parliament. If the hon. member acceded to this proposition, he might, in the early part of next session, move for a committee, by whom the whole subject might be investigated.

Mr. Dugdale said, the hon. member for Coventry had asserted that his measure was generally approved of. Now, he also had received communications on the subject, and from them it appeared that those who would be affected by the measure were much alarmed at it.

Mr. P. Moore said, he knew the value of the communications which the hon. member had received better than the hon. gentleman himself did. His correspondents told the hon. gentleman the truth, but not the whole truth. He was ready to stake his life, his name, and his character, that if the bill were adopted it would afford the greatest possible relief to the

country. As to postponing the reading, he hoped the hon. member for Staffordshire would allow him morrow to consider of the expediency of doing so.

Mr. Littleton said, he had no objection to the immortality which the hon. member for Coventry promised himself, by the sequence of his bill and pamphlet. He would benefit of those gentlemen who know where to find the latter, he would state that it was on sale at Bridge-street, Westminster.

Mr. Philips said, his objection to the bill was, that it contained a number of restrictions between workmen and employers which would be injurious to both parties. The regulations were not applicable to existing circumstances, and would produce an effect exactly the reverse of that which the hon. member for Coventry intended.

Ordered to lie on the table.

FELO DE SE BILL.] Mr. A. said, that he had little to say in bringing his motion for leave to bring in a bill "To alter and amend the Laws relating to the Interment of the Remains of persons guilty of *felo de se*," as he understood no opposition was intended to be made to it. At the law now stood, a person *felo de se* was deprived of the rites of burial, and exposed to the indignity of having a stake run through his body. The infliction was an odious and disgusting ceremony which he believed, enjoined by any enactment, but by an old custom. According to the canon law, three classes of persons were deprived of Christian burial: first, persons who had been guilty of *felo de se*, excommunicated persons, and persons who had not received baptism. He would only in the case of *felo de se* that he would move to interfere, to abolish the practice of running a stake through the body. He thought for he meant to leave the burial to be performed in private wherever it might be thought proper.

Leave was given to bring in the bill.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House again resolved itself into a committee to inquire into the conduct of the Sheriff of Dublin, sir Robert Heron in the case of The right hon. William Conyngham Place, a member of the House; was examined in his place.

By Mr. Calcraft.—Is it the practice

law officers of the Crown, in Ireland, to order magistrates to commit in any particular form?—I never heard of such a practice, and I should suppose no such practice can exist.

In the case of Forbes, did the law officers of the Crown order major Sirr to commit capitally?—Certainly not; the law officers of the Crown gave their opinion to the magistrates that it would be right to commit capitally, but I am sure that in that case no order, or anything equivalent to an order, was given by them to the magistrates. It is a judicial act on the part of the magistrate; he must exercise his own discretion, and rest upon his own responsibility; I conceive it would be a great violation of duty in him to relinquish his own judgment to that of any other person; and I conceive it would be a very improper thing, on the part of any other person to give him a direction.

Are you to be understood, that the law officers of the Crown merely expressed their opinion upon the evidence?—Merely so.

Would you think a magistrate acted properly in committing on the opinion of the law officers of the Crown, on evidence taken before them, without himself examining that evidence and having it regularly sworn and reduced into the form of informations before him?—I should think that he acted very irregularly and improperly in so doing.

Did major Sirr state any opinion contrary to that of the law officers of the Crown, or against the capital commitment?—I never heard that he did, unless at the bar here (if he did so then); I never had the slightest intimation that he at all differed in opinion from the law officers of the Crown.

By Col. Barry.—Were several minutes of examinations, or informations, taken in the absence of the magistrates, before the law officers of the Crown?—There were several examinations taken in the absence of the magistrates; after the witnesses had been sworn, in several instances the magistrates were absent during the procedure of the examinations.

Have you any recollection of the magistrates having been desired to withdraw?—I do not recollect that being the case.

One of the magistrates has stated, that he swore the witness and then withdrew; was it the practice that the witness was introduced into the room with the law officers of the Crown and sworn by the magistrate; that the magistrate then withdrew; that then the witness was examined, and a memorandum made of his deposition, and that before those depositions were sent to the magistrate, the magistrate was called upon to commit?—That statement involves a great number of particulars; I do not know whether the right hon. member means to put that as a question.

Mr. Graves, in his evidence, states, "I was desired to swear a witness; I did swear the witness, and then withdrew, and the notes of the examinations were then taken: they did not take the shape of an information sworn before a magistrate, but several days before the

commission, and the bills being sent up to the grand jury, they were sent down to us, and we were desired to bring the persons before us, and to swear them to them, they being put into the shape of informations, and to bind them over to appear on the trial, which we did; then in another answer, he says, "when these notes of informations came before the magistrates to swear, we had of course the witness before us; we interrogated him again; he swore to the informations, and, in many instances, in doing so, he altered the notes of examinations, as before taken; in several instances he altered them considerably. It never was proposed to us to swear those informations at all until subsequently to the committals, when we had the witnesses before us, and when we were directed to have the witnesses before us in the first instance." When the committals were made, were all the informations that were taken in the absence of the magistrates laid before the magistrates?—From the answer which has been read to me as given by Mr. Graves, it should seem that they were not; but the answer given by Mr. Graves is the first intimation of that fact I have received, to the best of my recollection.

You were understood, in reply to a question before put, to have said, that there were no orders given to the magistrates; were the magistrates advised by the law officers of the Crown to commit the prisoners capitally?—According to my recollection, I expressed to major Sirr, who was the only magistrate with whom I had any communication upon the subject of the committals, my opinion, and that of the law officers of the Crown, that the committal should be for a conspiracy to murder. It is necessary I should explain a former answer, to which the right hon. member has alluded, referring to the circumstance of the depositions being taken from the witnesses after the magistrates had withdrawn; I think it necessary to mention that that happened in some instances, in others the magistrate was present; in many others the informations were regularly taken before the magistrate. In the instances in which the examination was pursued in the absence of a magistrate, that was an examination conducted, as I consider, for the purpose of giving information to the law officers of the Crown, in order to enable them to form their opinion as to the circumstance of the case, and the mode of prosecution, but certainly was not intended by them as the depositions upon which the magistrate was to act when he came to commit. I conceive that it was the duty of the magistrate, before he committed, to examine those depositions, to have them reduced to the regular form of informations, and to have a security taken from the parties who made them, to prosecute. In the case of the two committals for the capital charge, which were made by Mr. Gabbett, I believe that was done; in the case of the committal made by major Sirr, I now learn that that was not done; but I conceive that the

doing that was the business of major Sirr, and a matter in which I had no kind of concern.

What was the use of filling up the notes of informations afterwards, if that examination was only intended for the purpose of giving information to the law officers of the Crown?—I cannot say what was major Sirr's object in doing it, after he had made out the committal; it could be neither a justification for the committal, nor could it answer any good purpose, but that was done without any communication with me; I had no communication with major Sirr, but one in which I gave him my opinion as to the nature of the offence.

Were the magistrates desired to remain in the room during the examination of the witnesses, or did they withdraw?—I have no recollection of their being desired to withdraw, nor have I a recollection of their being desired to remain; I cannot tax my memory upon the subject.

Did major Sirr represent to you at that time, that he did not think the charge made out as for a capital offence?—Never; at that or at any time.

By Mr. *Bright*.—Are you aware that George Graham was at any time committed only for a misdemeanor?—I rather believe so; I think that appears by the committals which are on the table.

Are you aware, that George Graham, as appears by the committals, was afterwards committed for conspiring with divers other persons to kill and murder his excellency Richard marquis Wellesley?—I believe he was, by Mr. Gabbett.

Are you aware, that both those committals were by Mr. Gabbett?—I think so.

The first committal was on the 15th of Dec. 1822, and the second on the 23d Dec. 1822; had you had any communication with respect to the committal of George Graham, with Mr. Gabbett in that interval?—It may be so; but I have no distinct recollection on the subject.

Can you inform the committee, how it happened that that second committal was made?—My recollection is not so distinct as to enable me to state, but I think it appears from Mr. Gabbett's evidence, that the opinion of the law officers of the Crown was given, that those persons should be capitally committed.

Did you as one of the law officers of the Crown give that opinion?—I did as a law officer of the Crown, give that opinion as to those three persons; I do not recollect communicating it to Mr. Gabbett personally.

Do you recollect what passed with major Sirr upon the subject of those committals?—No, I cannot distinctly trace it; I think major Sirr came into the secretary's room at the castle, the solicitor-general, Mr. Townsend, Mr. Goulburn, and myself, being present, on the Saturday evening, the committals were not made out until the Monday, I think; on the Saturday evening about five or six o'clock, he came, and that at that time the opinion was communicated to him; I cannot tax my me-

memory, whether on the Monday follow major Sirr, or not, but I have a strong recollection that on the Saturday evening opinion was communicated to him.

Did you see major Sirr more than those proceedings?—If I were to speak from my own recollection I should say only once; I have been talking to Mr. Goulburn, I saw him twice in his presence; my recollection is only negative, and Mr. Goulburn's is positive, therefore I think his is right.

You were understood to say, that the opinion of the law officers of the Crown was communicated to major Sirr upon a particular point from which an inference is drawn that the previous conversation had taken place; was that inference correct, or was the whole of the conversation an action?—What I mean to say is, that on the Saturday evening the opinion was communicated to major Sirr, and I believe I believe also by the solicitor-general, that the conversation passed I cannot say.

Had any consultation taken place between the law officers of the Crown, in respect to the opinion to be given to major Sirr?—A consultation took place between the law officers of the Crown upon the opinion to be given; whether it was with reference to its being given to major Sirr, or to any other magistrate, I cannot particularly say. I believe major Sirr was to be the person to whom it was communicated, because he resided in the castle, and was therefore on the spot.

Had major Sirr applied for the opinion of the law officers of the Crown upon the subject?—I understood that the magistrates applied to government on the subject, and inquired the mode in which they were to act; I recollect major Sirr personally having applied.

Did the magistrates at the same time that they applied to government, lay before government the informations they had received?—I am not competent to say; according to the best of my recollection, the informations had been taken before the police magistrates, and were communicated to the law officers of the Crown.

Were there any other informations in the possession of the law officers of the Crown, that were not in the possession of the magistrates?—None but those that have been alluded to, if they can be said not to have been communicated.

Was the opinion given by the law officers of the Crown, given upon those informations which were in the possession of the magistrates as well as upon those informations which you have spoken of, and which were not in their possession?—The opinion of the law officers of the Crown was given upon the whole of the evidence, as well as upon the informations taken before the magistrates; the evidence laid before them in the court was ready stated, in the absence of the magistrates.

Did you inform the magistrates with respect to the opinion communicated, that you advised them upon more information than they themselves had?



possessed?—I certainly did not communicate it to them in terms; but major Sirr was perfectly aware of those examinations; he himself was present at some of them; he had sworn the witnesses in others; and there was no holding back any part of the information we possessed; and I considered that major Sirr was entitled to have access to the whole of it, and would have access to the whole of it before he signed his committal; in compliance with my advice, as the whole of the evidence before us was in the hands of the Crown solicitor, I considered that he would, acting with proper discretion, inform himself of the whole of the case, and have it regularly reduced to the shape of informations, as was done by Mr. Gabbett; for in the case in which Mr. Gabbett committed, the evidence on which he acted was reduced to the form of informations, and the parties were bound over to prosecute in the usual way.

Was the opinion of the law officers of the Crown as communicated to the magistrates, entirely an opinion upon law, or an opinion upon their discretion?—The opinion that was communicated to the magistrates, was on the point of law, that we thought the evidence in point of law would warrant a committal for a capital offence.

Are you aware that Forbes had been held to bail on the night of the riot?—I am not quite sure at this moment whether he was held to bail; he was apprehended on the night of the riot by Mr. Graves; I believe he was discharged on that night; I am not quite sure whether bail had been given.

Are you aware that he was committed for feloniously conspiring to kill and murder the marquis Wellesley, on the 23d Dec. 1822?—Yes; that was the final committal.

Were any instructions given to the magistrates, with respect to that committal?—No direction; no instruction further than the giving the opinion I have already stated.

Was that opinion founded upon the evidence that was given at the trial by Mr. Troy and Mr. Farley?—I do not think I ought to answer any question as to what were the particular informations on which I gave my opinion, I am in the judgment of the committee whether I ought to answer that or not, I have personally no objection.

Were there any evidences examined upon that subject, at the trial of Handwich, Forbes and others, for the conspiracy?—Upon what subject.

With respect to Forbes?—Oh! yes; a great many witnesses were examined; a report of the trial was published.

Is that copy of the trial tolerably authentic?—Indeed I should think so.

Was Mr. Farley, the attorney, examined upon that occasion?—Yes.

Was Mr. Troy examined upon that occasion?—Yes.

Were there any other witnesses examined upon that occasion to the point of what hap-

pened after the play?—I believe there were but really I submit to the honourable member whether it is of any use examining me to those points, which will appear upon the printed report of the trial.

Will you permit the committee to assume that this report is sufficiently accurate to reason upon at a future time?—I have no power to give such a permission; I have already said I believe it to be a very fair report of the trial.

Were the prisoners tried on both indictments at the same time?—They were not indicted; they were informations; they were given in charge on both the informations at the same time; I should mention with respect to that that the practice in this country and in Ireland is different; the custom in the courts in this country, is to include in the same information offences, which we in Ireland include in distinct informations, the consequence is, that the practice in the two countries is different; her parties, I believe, are not permitted to be charged at the same time on separate informations, but that is because they are really distinct offences; but in Ireland, where the split into two informations, offences of one and the same nature which are in fact one they do allow the parties to be charged with the two informations at one and the same time.

By Mr. Bennet.—Do not the magistrates under the police, hold their offices at the pleasure of the Crown?—I believe some of them do, and some of them do not; some are appointed by the Crown, some by the city; I believe major Sirr does not hold at the pleasure of the Crown, but under the city.

Does Mr. Graves?—Mr. Graves I believe does, but major Sirr, the magistrate who committed Forbes, I believe does not.

Is Mr. Gabbett removable by the Crown?—Mr. Gabbett, I believe, is removable at the pleasure of the Crown.

Major Sirr's is a patent place is it?—No, I believe not. I believe under the police act there are city magistrates and persons named by the Crown, and that those police magistrates who are appointed by the city, cannot be removed by the Crown.

By Colonel Barry.—You have said that you believe all the informations were before Mr. Gabbett previous to his making out his committal?—I rather believe so.

Mr. Gabbett was asked, "Had you been left to your own discretion would you have committed for the capital offence?" to which he replied, "It is impossible for me to answer directly that question otherwise than thus, that I certainly, if it had been left entirely to myself, should have required the whole of the informations to be laid before me to exercise my judgment upon them?"—It certainly would appear from that, that the whole had not been—my impression was, that the whole had been—that impression was created partly by my having looked at a brief, which by accident is here, and now in my possession, in which the dates of informations taken before

Mr. Gabbett are stated, and by which it appears that Mr. Gabbett had all the informations reduced to regular form before the day of committal, that answer would make it appear as if he had not. I have not seen Mr. Gabbett's evidence since he gave it.

Were the examinations which were taken by the law officers of the Crown in the absence of the magistrates, sworn before the same magistrates?—I cannot be certain of that; I should think they were sworn before more than one magistrate; I think different magistrates came in, from time to time, as they happened to be on the spot; the taking of the examinations continued for six or seven days; whatever magistrate happened to be on the spot when a witness was examined swore the witness.

Is it the practice of the Crown officers in Ireland, to have witnesses sworn before any magistrates who may accidentally be present, those magistrates not afterwards taking cognizance of the case?—I cannot say that it is; but in this case the whole of the matter was before the police magistrates, and no magistrate who was not a police magistrate swore any witness.

In the case of Mr. Gabbett, were those examinations which you state were reduced into regular informations, re-sworn?—I should rather think so; I can only speak as to conjecture and belief; for I had no share whatever in the reducing them into informations, and know nothing upon the subject.

In point of fact, did the magistrates reduce the examinations taken before the law officers of the Crown into the regular form of informations?—On my knowledge I can say nothing upon the subject; it was the business of the magistrates; it was their duty, with which I had no concern; they exposed themselves to the action of the party if they committed him without a regular information, and the party was entitled to be discharged by a judge, if he was committed without a regular information; I should take for granted that the magistrates, who are experienced persons, would do that which was right; what they did I have learned principally in the course of the present investigation.

By Sir J. Newport.—Have you ever had any application from any country magistrates for your opinion, as to the committals of parties or the amount of bail which they should take?—I have had applications at times from magistrates in the country, in cases where I had no acquaintance with the transaction, but where they applied to me merely as attorney-general, and my uniform answer has been, that I did not feel it my duty to interfere, and I declined giving any advice.

Did you learn from those who made those applications, or the manner in which they were made, whether it had been the former practice to make applications of that nature?—I should rather decline answering that question; I think I ought not to answer it.

Did you give any opinion as to the amount

in which those persons whose cases were under inquiry, should be bailed?—not.

Or the refusal of bail?—I gave an opinion which implied a refusal of any bail; capital charge, of course, there could be no bail taken, unless before a judge.

The question refers to the time when the capital charge was abandoned at the trial; after that was abandoned, did you give any opinion as to the amount of bail demanded from Forbes?—No, I did not have a distinct recollection that the bail was demanded from Forbes; he stated that he would give bail to the amount of 1,000l. I certainly should never have thought of mentioning it, nor I never mentioned that the bail was taken by the judge.

Did you consider, from the manner in which those applications which have been made to you from the country, in respect to advising on the amount of bail to be taken, or on the nature of the committal made by the magistrates, that they were in the habit of making similar applications before?—There is one instance only in which I could give any answer, and it is not material to the present inquiry. A gentleman in the country had apprehended a person for an offence which in its nature was capital, and he wrote to me to know whether I would give him authority to let out without bail. I certainly declined giving an opinion upon the subject, stating that it was not a duty that belonged to me.

It appears that some of these persons were first committed for a minor offence, afterwards committed for the capital offence.—Two of them.

Was there any information received between the two committals in which the capital committal was founded?—I consider that there must have been; the capital committal did not take place until the middle of December; the examinations had been closed on the 21st of December; I think material information had been received in the course of that last day's examination which went to affect not only Forbes, but two other persons who were committed.

By Colonel Barry.—Are you correct as to the magistrates being removable at the pleasure of the Crown?—I perceive the answer I gave to a former question has been in error; the magistrates by the city are, I am informed, removable at the pleasure of the Crown.

Were any of the prisoners against whom bills of indictment were preferred, afterwards held by the grand jury afterwards, held answer an information to be filed by the attorney-general?—They were held by the court for that purpose.

By Mr. T. Ellis.—Do you feel that the attorney-general of Ireland has a right

any person to enter into bail, to answer an information to be preferred at a future period?—The short answer to that is, that it was not my act, but the act of the court and on the offer of the party.

Did any other of the parties, except Forbes, make that offer?—I believe they all did.

In point of fact, were any of the defendants kept in prison for two days after the ignoring of the bills, in consequence of not being able to get bail?—I do not know that fact.

Do you feel, as attorney-general, that you had a right to call on the defendants to find bail to answer to an information which was not then filed?—That is a question of law which it is not necessary to answer, as it was the act of the court, and on their own offer.

Do you know whether any of those parties who were committed on the capital charge, made any application to a judge in order to obtain their release?—I never heard that they did; I believe it would have been competent to any of them to make such an application; and if there was no information, or an insufficient information, they must have been discharged.

Was it at your suggestion, or that of any of the law officers of the Crown, that those persons were held to bail by the court?—The parties came in, not waiting for the end of the commission, and they applied to be forthwith discharged. I got up for the purpose of saying, that they were not then entitled to be discharged without giving bail; after I made that observation, they made an application to be discharged on giving bail; and it was quite unnecessary to enter into any argument upon the amount; the bail was fixed between them and the court: that (it should be observed) was an application before the termination of the commission; had it been at the termination of the commission, that would have altered the case.

The examination of Mr. Plunkett being concluded,

Colonel Barry said, that being aware of the inconvenience that would result from the prolongation of the inquiry, perceiving too the dislike of the House to go on with it, and feeling that the case of the high sheriff was so strong that it needed no further evidence to support it, was willing to decline calling any more witnesses. He was convinced that the result of the inquiry was to clear the high sheriff from any charge of improper conduct.

Mr. Denman said, that as he knew it was the opinion of some honourable members that it would be necessary to submit certain resolutions founded on the evidence which had been given at the bar, it was of importance it should be understood, that the further prosecution of the

inquiry had been abandoned, not because the House was unwilling to proceed with it, but because the right hon. member for Cavanshire, in the exercise of his discretion, with regard to the interests committed to his care, thought it unnecessary that it should be continued. He hoped would be recollected, that the House had made no compromise with the right hon. member.

Mr. Calcraft then moved, that a chairman do lay before the House 1 minutes of evidence. The minutes were accordingly presented, ordered to lie on the table and to be printed, and the witnesses discharged from attendance.

Mr. Secretary Peel said, he did not know whether he was regular or no, but he could not refrain from taking that opportunity expressing, what he believed to be a the universal feeling of the House, sense of the impartiality and ability with which the hon. baronet (sir R. Herch) had filled the chair, during the inquiry which had just concluded [Hear, hear]

IRISH JOINT TENANCY BILL.] *Mr. Dominick Browne*, in rising to move a committal of this bill, admitted that the task lay upon him to prove Joint Tenancy injurious, though it was notorious so, as the object of the bill was to discourage that tenure.—The system of joint tenancy was, he said, very ancient in Ireland, and very fit perhaps to protect clans of husbandmen against wild or more barbarous clans of hunting sagas, but totally unfit for people emerging from a primitive state of society, living under fixed laws and institutions in integral part of the British empire. Under this system, from ten to five hundred acres were let to from two tenants to one hundred jointly; every one of whom was responsible for the rent of all the rest, as well as his own. They held the land in common, making a new division of arable every year or two. The pasture was always undivided. They generally paid a rack-rent, and after they had built their huts without mortar, chimney, window, all swore to 40s. profit on registering their freeholds arising from a joint lease for one or more lives. The uniform results of this system were, the national squalid beggary of the whole—extreme indolence, the necessary consequence of the industrious paying for the idle and profligate—each tenant tried merely to preserve his existence and that of

family. Any effort at improvement was out of the question. Their life was reduced to that of brutes: amongst themselves there was constant disunion and petty litigation; against all others, there was continual union for every bad purpose. They resisted the ordinary process of law together, they distilled illegally; they fought together against other clans at fairs and markets. Sedition and disease spread like wildfire among them. They were at once in a state of savage licentiousness and abject slavery to their landlords. Being all bound for each other, he could at any moment ruin any one though worth far more than his own proportion of rent, by distraining him for the rent of all the joint-tenants. In short the landlord had every power over them, save that of life and death. He could strip any one of his whole property, including his miserable food. Even where joint-tenants were in the best circumstances, much of their time was lost in watching the proper application of their common funds. They all attended whenever money was to be received or paid for the general account. This system contributed more than any thing else, to the multiplying of a beggarly population. From persons never valuing a common right like an individual one, joint-tenants readily admitted into their partnership all their sons and frequently their sons-in-law. Under such circumstances, was it extraordinary that the greater part of them could hardly get a sufficiency of potatoes to keep them from starving? He knew many instances of this kind. In one case, he knew of a large farm let to sixteen joint-tenants in 1784: in 1817 they had increased to 59.—It would be asked, if this system was so injurious, why did not the interests of tenants and landlords abolish it without legislative interference? The reason was simply this—it afforded a great facility of giving qualifications to dependent freeholders. Under this system, the whole male population of a property was registered as freeholders. This in itself was one of its greatest vices. By it, the whole people were demoralized by constant perjury. The bill removed this bounty on joint-tenancy, and placed it the other way on separate tenures.—It had been objected to this bill, that it would disfranchise many freeholders. He would reply to this, that it had no retrospective effect. It would certainly prevent freeholders being created by new joint leases. That it would check fictitious freeholds

he would admit; but the *bonâ fide* voters would be increased, they would be infinitely less dependent on the landlord could have no further over them, than the demand of each tenant, for which alone he would be responsible.

Mr. *R. Martin* opposed the object of which is to prevent joint-tenants in Ireland, from voting for a measure which they had severally less interest, on the ground, that it would deprive the Catholics, who were the small freeholders and joint-tenants, of the influence which they at present enjoyed.

Colonel *Trench* thought that the bill most excellent. One of the great evils of Ireland was the subdivision of land into so many small districts, for the purpose of creating votes. The great number of electors, which was the result in this country, was a curse for it only exposed the peasant to bribery and to drunkenness and to every kind of disorder. His only objection would be, that it did not go far enough. He wished for the introduction of a measure by which leases in common might be entirely put an end to.

Sir *J. Newport* fully concurred in the opinion of the hon. member last. Nothing had brought greater improvement upon Ireland than the subdivision of land among such a multitude of tenants.

After a few words from Mr. *Ellis* which were inaudible in the gallery, Mr. *T. Ellis* expressed his objection to the principle of the bill. He mentioned an instance in which a farm of the value of 15*l.* was subdivided among 50 tenants, all of whom voted as one.

Mr. *J. Daly* denied that the bill would have the effect of diminishing the number of Catholic voters, but it would remove the evils arising from the joint-tenancy in Ireland.

Mr. *Hutchinson* said, that he was not further from his intention than in opposing the system of fictitious freeholders in Ireland. He would go as far as any member to prevent such an abuse, but he must object to the bringing of a question in the then thin state of the House, where there were not more than a dozen Irish members present. The measure embraced a principle which would excite great discontent in Ireland. He should have no objection to the



into the committee. There let his hon. friend make it as perfect as he could; but after that, he would wish it to remain over till the next session, to give the several counties of Ireland an opportunity of considering it in all its bearings.

Sir G. Hill approved of the bill, but the suggestion of the hon. member for Cork was so fair, that he could not but concur with it.

Mr. Grattan did not think that the bill went to disqualify any part of the Roman Catholics, but to establish the system of election by *bonâ fide* freeholders.

Mr. R. Martin said, that if the hon. member did not intend to press the bill this session, he would not object to going into the committee; but if he did intend to press it, he would divide the House.

The question being put, "That the Speaker do now leave the chair," the House divided: Ayes 54; Noes None. Teller, Mr. R. Martin.

The House then went into the committee.

## HOUSE OF COMMONS.

Wednesday, May 28.

SPECIAL JURIES—PETITION OF MR. JOHN HUNT.] Mr. Hume said he held in his hand a petition which he deemed of great importance, and to which he called the most serious attention of the House. He should first state the contents of the petition, and next comment upon the allegations it contained. The petition was as follows:—

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in parliament assembled,

"The humble petition of John Hunt, of Old Bond-street, publisher—

"Showeth,—That your petitioner was, in 1821, prosecuted on an ex-officio information by his majesty's attorney-general, for a libel in the weekly newspaper called the "Examiner," of which he is proprietor; and that previously to the trial he attended on summons, when the master of the Crown-office nominated the forty-eight jurors out of which the panel to try the case was to be formed. That your petitioner has also recently been indicted by the self-styled "Constitutional Association," for publishing an alleged libel on the late king, in a poem entitled the "Vision of Judgment;" and that he attended a similar nomination of the

Crown-office on the 15th day of the present month. That on both these occasions the master has insisted on selecting out of a book containing the names of many thousand freeholders and leaseholders of the county of Middlesex, such names only as he chose, proceeding on no understood plan, but picking out or passing over the names, entirely at his own will and pleasure.

"That the master declared it was the constant practice of his office to nominate from among those persons alone to whose names the designation of "Esquire" was affixed in the freeholders' book by the petty constables who make the returns to the sheriff. Your petitioner conceives this practice to be in the highest degree unjust and illegal; because all the freeholders and leaseholders are by law equally eligible to serve on special juries, yet by this arbitrary and absurd distinction the immense majority are excluded from the exercise of a great constitutional right, and the discharge of an important civil duty. Your petitioner could enlarge on the unauthorised, uncertain, and ignorant manner in which the title of "Esquire" is lavished by the district officer, and could state numerous instances within his own immediate knowledge, wherein the persons so styled have been retail tradesmen actually carrying on business; but he forbears to fatigue your honourable House with a detail which he trusts is not required, in order to convince your honourable House that nothing can be more unjust or ridiculous, than that the designation of Esquire, arbitrarily fixed by a subordinate district officer to the names of a small minority of the freeholders, should be held to give them an exclusive privilege to discharge the duty of special jurors, to the practical disfranchisement of the great majority of those whom the law has declared eligible.

"Your petitioner has further to complain, that the mode of nomination practised by the master is still more objectionable than this unjust exclusion, and in effect totally deprives the subject of all security for obtaining an impartial jury. A person holding the situation of master will naturally have a bias towards the Crown, and is obviously not a proper person to have the absolute selection of the jurors in any cause between the Crown and the subject. The law had however intended, as it appears to your petitioner, that though the master should be the in-

strument of nomination; the jurors should be taken in such a manner as to get rid of the exercise of any discretion on the part of the master, and consequently to remove from him both the temptation and the power to be partial or corrupt. There are various ways by which this object could be secured, as by a ballot (a plan adopted by the wisdom of your honourable House in regard to your election committees), or by some rule of chance on the principle of the ballot. Your petitioner strenuously urged the master to adopt some plan of this description; but though that officer admitted that he had done so on former occasions, and that his present mode enabled him, were he so disposed, to select unfairly, he persisted in the arbitrary way stated of choosing the 48 names. Your petitioner protested against the proceeding as calculated to afford scope to the greatest partiality and corruption—as manifestly counteracting the intention of the law—and as inevitably exciting the strongest suspicion in the mind of the subject, without producing a single countervailing advantage to the administration of justice. But your petitioner's protest having proved ineffectual with the master, and your petitioner having observed that the Court of King's-bench refused lately even to hear a complaint against this mode of selection, he has no resource but to appeal to your honourable House.

“Your petitioner also begs leave to assure your honourable House, that he conscientiously believes, from the peculiar description of the persons nominated in four Crown cases in which he was concerned as defendant, that he has suffered grievous wrong and injury by the abuse of the power to select juries which this practice puts into the hands of the master.—Your petitioner therefore prays your honourable House to institute an immediate inquiry into the practice he complains of, and to adopt some remedy for an evil which, whether considered as offering temptation and affording scope for the grossest corruption, or as exciting a violent suspicion of the administration of justice in the minds of his majesty's subjects, is one of deep and pressing importance both to the government and the people. And your petitioner will ever pray, &c. JOHN HUNT.”

Mr. Hume said, that the second paragraph in this petition contained a statement which affected the trial by jury; for if the

master of the Crown-office had to select, there was at once an security of an impartial jury, bulwark of public rights. He tend that this mode of selecting juries, as they were called, the greatest abuse. It was open to influence, to unfair bias, and to destroy that right to have a and fairly selected jury, which men boasted. The petitioner's complaint against the present the Crown-office, who was a good excellent character, and one who no doubt, act fairly in the discharge of his duty; but, who could his successor? Who could answer a power would not be abused? that the situation was a patent held for life. But this gentleman also, during pleasure, a situation of 1,500*l.* a-year in the Auditment, and who could say that had adequate security against being tampered with? In the a committee of the common council computed to inquire into the state of London special jury-book, the result of that inquiry was the formation of a new book, and the redress of abuses. When on a former occasion a subject had been brought before the Court of King's-bench, affidavits, prayers were filed; and the master of the office avowed his right to name the jury. Mr. Justice Bayley, in upon the practice, said, that he had, by law, the power of selecting if to select were to be understood then he had the right of packing (Mr. Hume) protested against interpretation of the law; that any officer could, or ought to exercise the power of picking or packing. It was contrary to the spirit and letter of the constitution, and a direct violation of the law. If such a power were to be exercised, why had they not done so for the last three weeks in a committee inquiry upon the conduct of the master of the Crown-office in Dublin? Was not the charge against him, one of packing a jury? It was impossible to suppose that the master of the Crown-office was ignorant of the general politics of most of the members of the House; the book in his possession. (Mr. Hume) had the care of it, he could not help acquiring such knowledge. He presumed the master of the Crown-office must know what any other

same situation could not fail to possess. It would be better to abolish the trial by jury altogether, and leave the matter to be decided on the responsibility of a single man, than to have twelve men picked out under influence and bias. In this way, the master of the Crown-office exercised, or might exercise, a power which neither the king nor parliament had ever possessed or exercised. So pregnant with dangerous consequences, did he deem this practice, that if no other person undertook the task, he would move for an inquiry into the subject.

Mr. *Philips* repelled the insinuations of the hon. gentleman as disadvantageous to the character of the master of the Crown-office [Cries of "No, no!"]. Did not the hon. gentleman say, that the master of the Crown-office must be more than man, if he were not occasionally biased in his conduct by other considerations than the strict discharge of his duty? Was not that a most unworthy insinuation? It was a supposition directly at variance with the tenour of that honourable individual's life. In the first place, as one proof of the inaccuracy of the hon. member's information, the emoluments of the situation to which the hon. member had referred were only 1,000*l.* and not 1,500*l.* a-year. Was a man who, out of motives of delicacy (by which not a person out of a hundred would have allowed himself to be influenced) had liberally sacrificed 5,000*l.* or 6,000*l.*, and a pension of 500*l.*, to be considered incapable of doing justice, because he happened to have another employment of 1,000*l.* a-year? Of this he was sure, that if the emoluments of all the places held by all the members of his majesty's administration were offered to the respectable individual in question, he could not be induced to pack a jury, or do any other unworthy act. The practice, as he was informed, in the Crown-office was this: the master called for the jury-book, opened it at random, and selected sometimes three in a page, and at other times one of the names, which had the designation of "merchant" added to them. The master knew nothing of ninety-nine out of every hundred of these names, except that they were described as being merchants. The master would be glad to avail himself of any suggestion which could make the nomination of the juries more satisfactory. In the case which had been alluded to, in the court of King's-bench, the master did not

take the name of the person where his pen fell, because he saw the description "rag-merchant" superadded; and he preferred another on the supposition of its being more respectable, because the term "merchant" alone was annexed to it. He repeated that no man was freer from a shadow of imputation than Mr. Lushington. The hon. gentleman had, also, alluded to the inquiry that had taken place in that House into the conduct of the sheriff of Dublin. Now, there was no analogy between the two offices. The sheriff lived among the parties, and knew them all. The master of the Crown-office was wholly unacquainted with them. He did not know one person in a hundred of those, whose names were in the book of special jurors.

Mr. *M. A. Taylor* said, that his hon. friend had not the slightest intention, when he adverted to this inconvenient mode of striking a jury, to cast any imputation upon the present master, than whom there could not be a more respectable man, or one better adapted to fill his situation with credit and honour. His object was to show the existence of a practice liable, in worse hands than the present master, to be most dangerously abused. He knew nothing of the facts connected with the petitioner's case, or of his prosecution by the Constitutional Association, which was an absurd and improper confederacy; but he had heard complaints reiterated against this mode of striking juries. There ought to be an inquiry into the practice, for the purpose of having it altered; and this was the best time to institute it, when the office was worthily filled. No possible harm could result from an inquiry; and it was most desirable that the special, like the petty juries, should be drawn out of a box indifferently, although even then it should be ascertained that the names were impartially placed in the box.

Mr. *Creevey* said, he had had a long acquaintance with Mr. Lushington, who was a most honourable man, and one who might be said to have a chivalrous disregard of private interest. But he had admitted, that if he pleased he might select the jury. It was time, therefore, that a practice not abused by him, but liable to the greatest abuse hereafter, should be regulated. His hon. friend had not cast the slightest reproach upon Mr. Lushington.

Mr. *Philips* explained, that he under-

stood the tendency of the hon. member's statement was to cast something like a reflection upon the master.

Mr. *Bennet* said, that although the character of the present master justified all that had been said with respect to him, it afforded no argument in favour of the system. For, although the present master was not guilty of any violation of his duty, did it follow that his predecessors never had been, or that his successors never would be so? Such a power was always liable to abuse. At every assize in the country, the greatest abuses took place in the constitution of special juries; for he believed that private interest, and even open canvas, went a great way in the construction of those juries. He held in his hand a report of a committee of the common council of London, in 1817. It stated, that out of 485 names, out of which all the special jurors were selected for the city of London, 126 were not householders in the city, and therefore, by law not qualified to serve; of the remaining 259, 80 were householders, who, in the modern sense of the term, were termed merchants, while 171 were tradesmen. In a case of libel, too, it appeared, that the solicitor for the Treasury had written to a person in the Secondaries'-office, respecting the nomination of the jury. In his opinion, it had been clearly made out that the master had the power of packing a jury if he pleased. That was a system which was opposed to common sense and justice, and ought not to be permitted to continue.

The *Attorney General* said, he collected from what the hon. member who presented the petition had stated, that the petitioner made no complaint with respect to the conduct of the master of the Crown-office as regarded the particular case of the petitioner, but merely against the general mode of nominating special juries. It was not, as he understood, pretended, that the petitioner supposed that any hardship would result to him from the conduct of the master. If the hon. member should think proper to bring the general question under the consideration of the House, he would give it all the attention which it deserved. He did not, however, hesitate to state, that, in his opinion, no alteration which the hon. member might propose to introduce could improve the present system of nominating special juries. The hon. member had declared, that the present mode of nominating special juries was

of recent date. That was not true. The present practice had existed for centuries; nor could he conceive a partial mode of selection than was under it. He challenged the hon. member to mention a case in which it had been concerned, in which proper interference had taken place on behalf of the prosecution, with respect to the nomination of the jury; and he was convinced, that if it had been at the master of the Crown-office who was so indignantly spurned it.

Mr. *Bright* said, he considered the present case to be one which particularly called for inquiry. It rested on its merits; no charge was made against any individual officer or juror. The *Attorney General* had said, that the system existed in its present state for a long time. Now, it so happened, that for more than forty years the abuses of the system had been loudly complained of. So that as the year 1777, Mr. Horne had given a description of the mode of nominating special juries. The observation of that gentleman were so remarkable, that he would read them to the House. "The Master began, but as I looked at the book, I desired him to inform me what I should know, whether he did not know the first forty-eight special jurymen who came, or not; and what mark or notation or qualification there was in the book, to distinguish a special juror from a common jurymen? He told me, with great surprise, that there was no mark or notation, which he took them. Why then, I said, do you not judge? You must go by some mark or notation. What is your method? At last he told me, that the method was this: that when he came to select a man a woollen-draper, silversmith, or jeweller (if merchant was opposed to his name), of course he was a jurymen; but a woollen-draper, smith, &c. he said that there were many sons who were working-men of the trades, and there were others in a situation of life fit to be taken. How then did he distinguish? No otherwise than if he personally knew them to be of reputable circumstances, he said, he took them; if he did not know them, he took them by. Now, gentlemen, what is to be done from this? But this is not all. The sheriff's officer stands by, the solicitor for the Treasury, his clerk, and so forth, whilst the names are taken, if a name which they do not like occurs and is struck up, the sheriff's officer says, 'O,



is dead.' The defendant, who cannot know all the names in that book, does not desire a dead man for his jurymen. 'Sir, that man has retired.' 'That man does not live any longer where he did.' 'Sir, that man is too old.' 'Sir, this man has failed, and become a bankrupt.' 'Sir, this man will not attend.' 'O (it is said very reasonably), let us have men that will attend, otherwise the purpose of a special jury is defeated.' It seemed very extraordinary to me, I wrote down the names, and two of them which the officer objected to I saved. I begged him not to kill men thus without remorse, as they have done in America, merely because he understood them to be friends to liberty; that it was very true, we shall see them alive again next week and happy; but let them be alive to this cause. The first name I took notice of was Mr. Sainsbury, a tobaccoconist on Ludgate-hill. The sheriff's officer said he had been dead seven months. That struck me. I am a snuff-taker, and buy my snuff at his shop; therefore I knew Mr. Sainsbury was not so long dead. I asked him strictly if he was sure Mr. Sainsbury was dead, and how long he had been dead? 'Six or seven months.' Why, I read his name to-day; he must then be dead within a day or two; for I saw in the newspapers that Mr. Sainsbury was appointed by the city of London one of the committee (it happened to be the very same day) to receive the toll of the Thames navigation: and as the city of London does not often appoint dead men for these purposes, I concluded that the sheriff's officer was mistaken; and Mr. Sainsbury was permitted to be put down amongst you gentlemen, appointed for this special jury. Another gentleman was a Mr. Territ. The book said he lived in Puddle-dock. The sheriff's officer said "that gentleman was retired; he was gone into the country; he did not live in town." It is true, he does (as I am told) frequently go into the country (for I inquired). His name was likewise admitted, with some struggle. Now what followed. This dead man, and this retired man were both struck out by the solicitor of the Treasury; the very men whom the sheriff's officer had killed and sent into the country were struck out, and not admitted to be of the jury. Now, gentlemen, what does that look like? There were many other names of men that were dead, and had retired, which were left out."—Such was the lan-

guage of Mr. Tooke in 1777.\* It might be a reason with the attorney-general for continuing the abuse, merely because of its antiquity, but if it had existed for a long time, it should be also recollected that it had been for a long time complained of. It was enough for that House to know, that the system was complained of. The course of justice should not only be pure, but its purity should be unsuspected. Englishmen should be enabled to go out of a court of justice, strongly persuaded that their cause had been fairly heard. It was notorious that the special juries in the city of London were not only composed of the same class of men, but of the same individuals, term after term. He would ask the solicitor-general whether he did not expect to see the same faces in the jury-box at Guildhall, in the approaching term, which he had been accustomed to behold during many of the preceding terms? The juries in the court of Exchequer had a very bad reputation. That circumstance alone was a sufficient ground for the institution of an inquiry by that House. He believed, if the panels for the court of Exchequer for the last six years were returned to the House, that the same names would be found upon all of them.

Mr. *Hobhouse* considered it extremely improper, that any person, having the selection of juries in his power, should hold an office which was dependent on the Crown. The hon. and learned attorney had challenged any member to point out a case in which the government had interfered to procure the selection of a jury. He certainly could not mention any case in which it had been proved that the government had been guilty of such disgraceful conduct, but he apprehended that it would not be difficult to prove, that government had sent particular cases to be tried before juries, who they thought would probably convict the defendant. He would wish the attorney-general to declare upon his honour, whether government had not sent his honourable colleague, sir Francis Burdett, to be tried in Leicester, because it was thought that the jury there were more likely to return a verdict of guilty than a London jury? Now, that the question respecting the nomination of special juries had been mooted in that House, the country would expect something to be

\* See Howell's State Trials, Vol. 20. p. 691.

done. It was absurd to say that the master of the Crown-office did not select the jury. The attorney-general had contended, that it was impossible to discover a better mode of nomination than the one now in practice. In his (Mr. H's.) opinion, the drawing the names by ballot was a much more impartial mode. He could not conceive what objection there could be made to a selection by ballot. The system of ballot was certainly that which was least liable to objection. He was obliged to dissent from what the learned attorney had stated, with respect to the antiquity of special juries, at least in cases of libel. The learned attorney was wrong when he stated that the petitioner complained of no damage to himself. The petitioner did complain. He complained that his chances of acquittal was diminished by the mode in which special juries were nominated. It was the imperfect system and the abuses it generated that were complained of, and that demanded inquiry. The case could not be in better hands than in those of his hon. friend the member for Aberdeen, and he should have his most zealous support.

Mr. *J. Williams* said, that however respectable the master of the Crown-office might be, his character was no answer to the case which had been made out for inquiry. The complaint was against the system; and so long as that system continued uncorrected, no fair trial could be had in a case where the Crown was a party on the one hand, and an obnoxious individual on the other. If no one else took up the subject, he would call the attention of the House to it.

Mr. *Hume* adverted to the improper manner in which juries were appointed in the court of Exchequer. He had found upon inquiry, that individuals actually obtained their whole income from the pay which they received for serving as jurors in that court. He understood that if a juror should venture to give a verdict against the Crown, he would never again be summoned.

Ordered to lie on the table.

Mr. *Hume* next presented a petition from J. W. Trust, bookseller, on the same subject, and gave notice, that early next session he would move to alter the law and practice with respect to the nomination of special juries.

BRITISH ROMAN CATHOLICS TESTS

REGULATION BILL.] Lord *Nug* and said:—Sir; the object of that I move for leave to bring i equalize the laws affecting the Ro tholics, by placing those of Great in the same situation with respect rights and franchises as those of . I wish, in the discussion of it, to s it as widely as possible from what i the question of Catholic Claims. are, no doubt, many topics in c between the two questions; so these topics, I should be disposed are in my opinion, not among th strong by which this measure be supported. But these, for mai sons, I wish to avoid. In order to i the question, and to place my will its own simple and more obvious perhaps to some persons, less qu able grounds. At the same ti , would not for the world be m stood. I would not, even if I n power so to deceive the House, be cere enough to disavow the spirit in I offer to you the proposition with I shall conclude, nor attempt to d from the House, that I do it und influence of the self-same motives have always influenced me in the s of that great measure. Nay, furth I could for one moment bring my believe that the discussion of this tion could in any, the remotest d prejudice or interfere with that gr object, believing that object as I do essential, not less to the interests a nour of England, than to the last h peace and happiness for Ireland, I with whatever regret, abandon t present, and should feel myself j in abandoning, those far lesser b which I now seek for the Catho Great Britain. Sir, I should d British Catholics the greatest if I did not say that I know in this feeling with regard to I I am seconded, I am anticipat them. I must, in justice to them, almost said in justice to myself, ma farther declaration. What I now p to you, I propose, not only not a instance, but without even havin sulted their sentiments or wishes u I have carefully, I have painfully a ed from communicating with them it, because I know their high an nourable feeling; because I know feeling as they do, how strong ar claims to a full and undistingu

share of all the common law privileges of all other British subjects, they would disdain (with whatever deference they submit themselves to your judgment), they would disdain to petition for any act, like this, of incomplete and restricted toleration. It would be arrogance in me to say how warmly I concur with them in this feeling, but I was anxious that at least the House should not by any fault of mine, misunderstand them on this point. What I urge, however, not on their prayer, I urge on your wisdom, your sympathy, and your justice. If I should fail, and it would be affectation in me to say, that I expect or believe I can fail, in this my plea on their behalf, the failure would be mine alone. It would be the failure of the weakest advocate in the strongest, and, as I hope to show, the most unanswerable case. If I succeed, the benefit will be theirs, the benefit and the honour will belong to you of having cancelled one unjust and unreasonable law which now divides the people of this land.

There are grounds peculiar to this measure, and to these I shall most strictly confine myself. None of them conflicting with the interests of the Catholic question; none of them interfering with the grounds on which that great question may hereafter be debated, or with those on which it has been generally opposed. Before I gave my notice, I ascertained by the declarations of the attorney-general for Ireland that, for this session at least, that question had been abandoned by him. For one, I can never despair of its ultimate success, nor can I ever cease to cling to that object with eager and sanguine hope. But the considerations which might otherwise have induced me to pause, are now removed. I shall, therefore, advert to it no more, but apply myself to the special object which I now take the liberty of submitting to you.

By the act of 1793 in Ireland, it is well known to the House, that certain privileges were restored to the Catholics of that country. Why was that act passed? It is important, with reference to this question, to keep that act in view. It was passed, because the last of what were called the penal laws had been repealed, and the anomaly of those disqualifying laws that remained, had become too evident and too gross. The inheritance of property had been secured to the Roman

Catholics, under the protection of the law. It was felt that, under the British constitution, representation was an inalienable attribute of property. That property was the basis of representation. It was felt, that where property was unrepresented, the best safeguard which the constitution provides for private and public interests is wanting. The right of election then followed in England, I contend, as a consequence upon the right of property, (and it is on this ground I wish to place the argument now. But the early acts of relief towards the Roman Catholics of Ireland were passed under singular circumstances. From the year 1777 to the year 1782, the empire was in a situation of great danger and difficulty. The disasters of the American war—war with almost the whole continent of Europe, and the prevalent spirit of emigration to America, had made it expedient to conciliate the Catholics of Ireland by an act, however tardy, of justice and humanity. In 1782, the famous convention of Duggannon produced fresh concessions to Ireland; and, in 1793, the French Revolutionary war, and the apprehended influence of French Revolutionary principles, produced fresh measures of conciliation. Sir; why do I mention these things? not to reproach the parliament of that country with unworthy motives; not to lessen the sense of the benefits themselves; I mention them only to show, that the benefits I now claim at your hands for the British Catholics were, with reference to the Irish Catholics judged to be, first of considerable value to them, and secondly to be unaccompanied by any possible danger to the state. The very motives under which they were granted show at least that they were considered of some importance in the estimation of those for whose benefit they were intended. For they were granted as a peace-offering to that country, at a time when the object was, above all, to unite the interests and strengthen the moral resources of the empire. And, that they were not considered as in any way dangerous to the Protestant ascendancy, we have a tolerable assurance in the recollection at what periods, and by whose hands those measures were perfected. But I mention them also to ask you this: Will you declare that the British Catholics of 1823, that their supposed objects, that their known dispositions, that their numerical force, are calculated to excite in your minds any

reasonable apprehensions beyond what were felt towards the Irish Roman Catholics of from 1777 to 1793? Because this you must assert to justify the distinction now made in their dis-favour. Or will you say, I am sure you will not, that what was then granted to necessity and fear, you will now refuse to sympathy and justice?

Sir, the act of 1793 in Ireland, followed in the short space of 16 years, after the first relaxation of the penal code of proscription and death. A code under which the merely officiating at the worship of the Roman Catholic church was punishable with the gibbet. It is now 46 years since the first relaxation of that bloody code. Will you say that the experience of the last nearly half century, has furnished you with additional motives of jealousy against the British Catholics? For, short of this, short of your making out a case to show the undiminished and increasing necessity of these peculiar restrictions (and the onus probandi here rests on you, not them), short of your making out a case that would justify you in your own opinion, if these laws had never been enacted, in enacting them now for the first time, allow me to submit to the House that, in truth and in justice, my motion is gained.

In two very important respects the British Catholics are placed in a condition of much more lamentable degradation than any other natural-born subjects of the realm. They are debarred from the exercise of the elective franchise; they are debarred from qualifying to act in the king's commission of the peace. Sir, an act of naturalization would qualify an alien for these privileges. Nothing would qualify a natural-born Catholic Englishman. Nothing would qualify him, except indeed, an act of perjury. That would qualify him for any trust, and against that you have no security. Let us see for a moment how their case stands. Compare them with any others who are subject to disqualification by religious tests. Against the Protestant dissenter you have, it is true, the test and corporation acts. And I must say, that weak and tormentable monuments I must think them, of a spirit much too intolerant, and shown to be practically much too inconvenient to be brought into operation against so large and so powerful a body in the state, as the Protestant dissenters. Among the Protestant dissenters a very

large proportion of the property, large proportion of the intelligence of the moral and political influence the empire resides. And you are unjust towards *them* up to the full measure of your laws. In their case, for all practical purposes, the exception become the rule. The annual Irish bill has in effect become the law of the land. Well, even the Roman Catholics of Ireland—God forbid, that at this moment I should endeavour to rate the severe and unjust restriction as I think them, under which the countless majority of that unhappy people are placed—but still they have a right to certain offices, they have the elective franchise, to remind them of the intervals of the dark system which shadows them, of the share, a very small one indeed, of political existence is doled out to them, a very sad and a very malous condition, I grant, theirs is not allowed to elect, but contrary to all constitutional analogy, forbidden under circumstances to elect out of the body. Allowed to elect only one member of a body between whom and them, a passable barrier is fixed by law. The condition of the British Roman Catholics is how much more deplorable! From the privilege of the poorest freehold, they send a representative to make laws, the authority of the pettyest official administers them, from all the principles which remind men that they are members of a free and popular government, they are hopelessly excluded. Hopelessly excluded, unless (and forbid it good God and forbid it that pure honour should glow in some of the noblest breasts of your country), unless they would chase these privileges by perjury, what would, in them, be a base and interested conformity to our illeged mode of worshiping God cheers!].

Sir, I said just now that the elective franchise, as exercised by the Irish, is an anomalous condition. I was told when I said so, and when I was corrected by the hon. member for Corfe Castle, that I fear of animadversion, that the mission on my part was considered as making against my argument. I then asked if I would extend this anomaly to England? Sir, the anomaly exists in England; Catholics have an influence at elections, far more than that of a vote, of which you



deprive them. Not only the moral influence of character and station in recommending candidates, but the actual operative influence also of wealth to assist in the return of members. If there is any anomaly in the influence of Catholics over the return of Protestant members, of that influence in the present state of the representation you cannot deprive them. If there is any danger, from that danger you cannot escape. Unless you are prepared to retrace your steps along the gloomy paths of restriction and penalty, until you arrive again at the point from which your march has been directed during the whole course of the late king's reign, and unless, taking your stand once more upon the original vantage ground of penal law, you prohibit them once more from the inheritance or purchase of property. But then the Roman Catholics shall have no voice at elections. A papist shall not be allowed to meddle with a Protestant representation. But a Papist may be in a condition to return members upon his own direct nomination. A Papist may buy Old Sarum, and you cannot prevent him. You deprive him of his single vote! a valuable security! you only leave him all that greater power of which you cannot deprive him; you only leave him all the due and all the undue influence of property. You reject his single vote, and only leave him the power of bringing perhaps the whole of a numerous body of tenantry to vote in the very way in which this bill would enable him to use his single franchise. Sir, these seem monstrous contradictions. They are so. But they are not merely supposeable cases. I will mention a singular one of late occurrence. A case not of what is called direct nomination, but of the fair influence of property in recommending candidates at a popular election. In Worcestershire, and of late years too, both the members were recommended to the choice of that county by Roman Catholics. One of them, I may name him, a person, lately a member of the other House, whose death is matter of very recent grief to his family, the late lord Beauchamp. He sat in this House for Worcestershire for two parliaments, having on both occasions been put in nomination by a gentleman of large property, of great connexions, and of high respectability in the county, and a Roman Catholic. What was singular too, this Catholic gentleman was here putting in nomination a person who during the whole

time he sat in parliament uniformly voted against the admission of the Catholics to parliament and to office. At the very same time lord Beauchamp's colleague, an hon. friend of mine, Mr. Lyttleton, his nomination, was seconded by another gentleman of large property, great connexions, and great respectability also and also a Roman Catholic. This gentleman to be sure had an advantage not enjoyed by the other gentleman of the same communion, that he was recommending a person whose votes in this House made a somewhat better return, at least to Catholic nomination. But, Sir, I mention these instances in order to ask the House with what feelings do we suppose that on these occasions these two Roman Catholic gentlemen left those hustings? Was it with the subdued and prostrate feelings of men aware that they were considered unworthy to interfere in any matters affecting the representation of their country? Oh no, Sir. Their rank and station, and political importance, had elevated them to the post which they had just left, and had enabled them to make a recommendation in the face of a great country of those persons whom they thought most fit to represent it in parliament. Their intelligence had enabled them to give effect to that recommendation, and their political integrity had been sufficiently recognized by those at least, the great majority of that county, with whom their several recommendations had prevailed. Separated in personal and political objects, these two gentlemen divided between them the concurrence of the county as to the propriety of the introduction, which Roman Catholics had given, and as to the propriety of Roman Catholics giving such an introduction. But here their privileges stopped. Here they were arrested in the discharge of their duties. And by what were they arrested? By a purely theological test! Here, then, is a case pure and unmixed of a merely doctrinal, dogmatical, disqualification, station, character, reputation; the concurrence of two opposite parties, divided in all other respects, had conceded to two Roman Catholics all the influence, they were only deprived of the means of their single vote by an insulting and wanton inquiry into matters of simply speculative belief in matters between God and themselves.

But, Sir, shall I be told that practically the votes of Catholics are often taken at elections, and no questions asked? I

think I shall not be told so, at least not in opposition to my motion. I believe the fact is so, because in truth you cannot arrive at the means of detecting these spiritual tenets, except by a certain catechetical process, rather inconvenient, rather tedious in point of length to apply to each individual voter. If so, then, if you seldom enforce the disqualifying oath, pass this bill. You will grant the Catholics a real benefit; and, as far as the vote goes, the practice will not be materially altered. I say you will grant the Catholics a real benefit, because you will enable them to do by privilege what they now do by sufferance. And is there no real difference between privilege and sufferance? I think I shall not be told so in an assembly of gentlemen whose own feelings would not be slow in suggesting the distinction. I can easily conceive circumstances under which even positive rigid exclusion is less painful than sufferance. Because sufferance always implies what is the most humbling, the most cruel to a proud spirit. A feeling of undue obligation. Obligation perhaps to some puffed up petty officer, some little being of momentary attorney-like importance, whose very look of sufferance, of indulgence, of vulgar protection, is a keen insult from which I implore the House to relieve a very deserving portion of your people, from which I implore the House to relieve the representatives of some of the first families in the land.

Sir, with regard to the officers for which this bill will permit the Roman Catholics to qualify, on this I will not long detain the House. My object will be to give them the means of qualifying for those offices only which could now be held by them in Ireland. And I pledge my word to the House that to that standard I shall conform myself most strictly. There are a few of the offices in Ireland not above two or three, I believe, to which they are there admissible, and which have no exact parallel in England. In these cases, I shall in no instance trust myself to vague analogy, nor attempt to render them admissible to any offices in England merely because they may be considered analogous to these. I should consider myself departing from the spirit of my bill, and from the engagement I have entered into with the House by the title under which my bill is moved to be brought in. In the enumeration of offices, to be barred to the Roman Catholics, my bill shall be an

exact transcript of that of 1793 in In some small particulars, there worth mentioning, and very 1 British Catholics will still remain c breadth, one shade in point of priv low those of Ireland. How far 1 Protestant Dissenters, it is almost to point out. In practice they m this and the other House, I know the precarious protection of an In bill; and I would fain see them toleration upon a sounder and mor tenure. But the conditions of the it is known are two-fold; the sacr test, and the oath and declaration Popery. By the letter of the act, the annual Indemnity bills, it sho pear, that both of these are equa ditions subsequent to the taking Upon this I am sure that the ingeni powerful argument of the secretar Admiralty, though of some years the year 1819, is still fresh in the of many persons in the House. I truth is, that in practice, and in a which from its prevalence and d has acquired almost the force of 1 oath of declaration against Pop the case of a magistrate qualifying, a condition previous. How far thi tice is founded in law is scarcely w quiring, because I am sure the would feel that above all, the offic magistrate is one that ought not held upon sufferance only, or und cumstances of doubt. The magisti it remembered, has power in man over the liberty and the property of and I am sure the House would fe this power ought not to be held circumstances of sufferance or But in practice the declaration Popery is made a condition pr From the sacramental test the Di escapes by the Indemnity bill. T clARATION against Popery catches t tholick without the means of The effect then is, that the Dissent pass through the evils of this pleasure, while the poor Papist is floundering, as it were, in the ve mesh.

Now, Sir, I know that there are in this House, persons who still the Test act to be one of the main and bulwarks of the national church those persons it is doubtless matter solute duty to guard these sacre tresses from demolition. Albeit buttresses have been practically,

think, most beneficially, removed from the edifice annually from 25th of March to 52th of March, for a period of about 96 years. I must respect the sincerity of these scruples, although I own I never could discover the grounds on which they rest. I have no wish however on this occasion, nor is it for the interest of the measure, I have at heart, looking at the probabilities of its success to attack the supposed security of a sacramental test. In looking to what is desirable one must limit one's views to what one may believe practicable. However objectionable, then, I think the Test act in point of principle, and I do not hesitate to say that I think it a blot, and a reproach upon the spirit of the country and the times, it is not my intention by this bill to interfere with the power of exclusion by the sacramental test. Allowing myself only to congratulate the country, for the sake of our immense *majority* of the people on a certain act which it has been the habit of the legislature, for now near a century, to pass, called the act of Indemnity. I propose to leave the British Catholics, as the Dissenters, are, liable to the sacramental test, to be relieved with them by an act, for the passing of which I trust we may feel some security in the annual wisdom of both Houses of parliament.

And now, Sir, only a few words, I have troubled you too long, of general remark. I would observe to those who are exclusively the friends of Ireland—I beg their pardons for the phrase—I mean those Irish members, whose first duties are towards their own much-injured and unhappy country, I would make one observation to them. This bill is in some respects, and I trust Ireland will feel it so, by reflection at least, a benefit even to the Catholics of that country. Their cause, though not necessarily connected, is by no means a necessarily separate one. The British Catholics have never separated their cause from that of Ireland, nor if they were ever disposed, which I trust and believe they never will, so to do, would I ever lend myself to be the humble means for making such an attempt. With regard to votes in respect of property which may be inherited or purchased by Irishmen in this country, their interests are equally affected by this bill. But I own, I avowed it at the outset of my statement, my views go a great deal further. I do not disguise them. I believe much may be gained to what is called the Catholic cause by an

amalgamation of their habits and feelings with those of the Protestant population. It is a bill to unite in England Protestant and Catholic in certain functions in which by law they are now separated.—It is to place them side by side in situations and in duties where now by the acts in force they never can meet. And I own that I think that, without subjecting myself to the imputation of very visionary hopes, I may augur some benefit likely to arise hereafter to the Catholics, and under the best securities to the state, those of a community of feeling and interest, from such an union—to the British Catholics I augur from this bill great and solid benefits. And I think he must have been a bad observer of human nature who does not know that there are ingredients in the mind of man which make even these small privileges valuable. Sir, the idea of freedom is closely interwoven with that of privilege. If you redeem from bondage, give privilege: And though simply of not much apparent value, still, when combined, these privileges strengthen the great bond of society, and unite men in a community of habit and feeling. At a popular election a single vote may be very inconsiderable, looking to the event; but it is important, vastly important, to him who gives it. And above all the imputation of disfranchisement is a great and serious, and ought to be felt as a great and serious, grievance. Admissibility to the commission of the peace may, singly considered, be rather likely to impose a burthen of not very desirable duty, than to confer any very enviable privilege. But yet these things have their effect—they are ties which attach men to country, which, as Mr. Burke describes them, “though light as air are stronger than bonds of Iron?”

Sir, the British Catholics have, for the greater part of a century, lain under a grievance of a singular and a monstrous sort—That the absence of all colourable pretence of alarm from them has thrown them entirely out of observation. The stream of parliamentary sympathy which from time to time has been suffered to flow in stinted measure, indeed, towards a people considerable in number, and whom other circumstances have forced upon our notice, has passed by the British Catholics, unrelieved, and almost unheeded. Even the innocent tranquillity of their demeanour, which should entitle them to our sympathy, even the absence of all shadow of danger, which gives them

a claim imperative on our justice, even these have hitherto delayed inquiry into their separate case. It is high time that some light should be cast on them, and on the laws which still affect them. The existence of such a body has been barely recognized in our debates. The preposterous declaration of a former lord chancellor of Ireland, concerning the Roman Catholics of his own country, is become nearly true with respect to these—The lord chancellor Bowes declared from the bench in Ireland, and chief justice Robinson makes the same declaration, “that the law does not presume such a person to exist as”—what will the House believe? —“an Irish Roman Catholic.”—“Founded” says the learned commentator, “upon a well-known fiction of law in Ireland, thus stated formerly by one of their best authorities, to be law, that all effective inhabitants of Ireland are to be presumed to be protestants, and that therefore the papists, their clergy, worship, &c. &c. are not to be supposed to exist, save for reprehension and penalty.” [a laugh and hear!] Sir, it is in such a state that every Catholic in this island feels himself to be placed—of this they complain. And looking at their own condition they almost doubt themselves to be considered by you as your countrymen. The very feelings which compose the national spirit of Englishmen, and inspire it, are feelings which in them are endeavoured in every way by your laws to be oppressed and outraged. Oh, Sir, respect and cherish these feelings—we know not perhaps how mainly dependent upon them are all those sentiments which form the national character of which we sometimes make our boast, and all those affections which constitute that noble passion, love of country. As it is, we invert the maxim of ancient wisdom. To divide may be a means of subjugation, but never never let it be recommended as a system of government. The present law can tend only to unite by a community of grievance those whom as a political party we should disjoin in order to make them one with ourselves. We unite a sect, but we divide a people. I wish I could impress upon the House the truth of this doctrine. It was well expressed by bishop Hoadly, and he was no friend to popery, “I cannot justify” says he “the exclusion of a papist from civil office upon any ground but that of his open avowed enmity to civil government as now settled in this land.”

Sir, I will now place this motion in your hands. Those who think that whole no charge of peculiar d against the British Catholics e: awaken your peculiar jealousy, or peculiar rigour, must feel the inj the law as it now stands, and vote motion. Those who think that and capricious exclusion from any tutional benefits whatever is an ac pression, must feel that the la stands is oppressive and vote for tion. Those who think that these sions are not in fact almost uni operative, and that those things ar day done by sufferance and practic are here sought to be done by pr must feel that the law as it stands perative and therefore absurd, an vote for my motion. And allow repeat that, unless every gentlem opposes me can now lay his hand heart and say that if these laws ha been enacted he would now be pr to move their enactment, I must su the House that, in truth and in my motion is gained. The nobl concluded, amidst loud cheers, wit ing, “That leave be given to brin bill for regulating the administra Tests and Qualifications for the en or enjoyment of Offices and Franch

Mr. *Stuart Wortley* seconded motion, and said, that when he cons the character of the body to who motion related, the noble blood flowed in their veins, their well-kne spectability, and their loyalty, he tl a very strong case indeed should be out to prevent them from enjoyin same privileges as were possessed by fellow-subjects of the same persuas Ireland.

Mr. *Wetherell* entered into certa planations relative to the principles bill, reserving to a future stage of tl cussion those objections which he have to its details. He maintained would place the Catholics of Ea higher in point of privilege than th Ireland, as there was no test and co tion act in Ireland. He contende property, as property, did not conl elective franchise, and, after advert the prevalence of the practice of sp freeholds in Ireland, he express opinion, that because the electiv chise had been given to Catholics i land, it formed no ground for comm ing the same privilege to those in En



Mr. *G. Bankes* said, that if this measure had been proposed to the House in consequence of a petition from the great body of the English Roman Catholics, he should have considered the petition of such a body entitled to great attention; but it appeared to be a mere project of the noble lord himself, who hardly knew whether it would be considered as a boon or not. The admission of English Roman Catholics to the magistracy might, under due limitations, be desirable; but he could not give his consent to extending the elective franchise to that body.

Mr. Secretary *Peel* said, he had, on a former occasion, expressed himself not unwilling to consent to a measure for taking into consideration the propriety of placing the Roman Catholics of England on the same footing as those of Ireland. Consistently with that declaration, therefore, he felt himself bound to admit the first proposition of the noble lord for leave to bring in the bill. He made this concession, not merely in consistence with that declaration, but because he felt it to be reasonable that the measure should at least be fairly considered. The noble lord had adverted to three points, in which the Roman Catholics of England stood in a different situation from those of Ireland; the elective franchise, the magistracy, and admission to office. With regard to the elective franchise, he allowed at once that he was willing to admit the English Catholic to that privilege. He had always considered the distinction taken by Mr. Burke between the elective franchise and admission to office, as sound and judicious. In a speech on the subject of the Catholic claims, Mr. Burke said, that if the Roman Catholics were admitted to the right of voting for members of parliament, it did not necessarily follow that they should be admitted to office. He must observe, that the noble lord would find some difficulty in placing the Roman Catholics of England and Scotland on the same footing, because by the act of Union the Roman Catholics of Scotland could not exercise the elective franchise. He was disposed, after mature consideration, to admit the Roman Catholics of England to the same privileges with regard to voting, as the Roman Catholics of Ireland; but he should strenuously resist their being themselves elected. In this respect they would stand in the same situation as the clergy, who were qualified to elect, though they were disqualified from sitting in that

House. The right hon. gentleman proceeded to advert to the abuses of the elective franchise in Ireland, where the system of fictitious voting conferred no advantage whatever on the wretched individuals who were brought forward solely for the purpose of supporting the political influence of their landlords. It must be admitted, that the state of England was so entirely different from that of Ireland that if the granting of the elective franchise in Ireland had, in some respects, been attended with mischievous consequences, the same danger could not fairly be inferred in England, where the minority of Catholics was notoriously so small. With regard to the magistracy, he agreed with his hon. friend, the member who spoke last, that it might be advisable that Roman Catholics should be associated with Protestants in the exercise of magisterial duties. On the question of admission to offices he begged leave to reserve himself. He should not object to making English Roman Catholics eligible to the same subordinate offices to which Irish Roman Catholics were admissible, provided they were placed in no better situation than Protestant Dissenters. If it were the object of the noble lord to open the same offices to them as to the Catholics of Ireland, subjecting them, in the same manner as Protestant Dissenters, to the operation of the annual Indemnity act, he should not object to such a measure. If it introduced no new principle which might furnish an argument for further concession to the Roman Catholics of Ireland—if it introduced no relaxation of the Corporation and Test acts, or alteration of the existing law with regard to Protestant Dissenters—he should be disposed to accede to it. All these points involved details which would properly come under consideration in a future stage of the bill. He intirely concurred in the observations which had fallen from the noble lord, as to the great respectability of the Roman Catholics of England, and it was this consideration which induced him to feel so strong a disposition to make concessions in their favour.

Mr. *Hudson Gurney* said, he certainly should vote for the measure proposed by the noble lord. At the same time, he could not avoid saying, that the only motion he had ever heard which had common sense for its basis, relative to the Catholics, since he had had the honour of a seat in parliament, was one made by general Thornton, which nobody at the time sup-

ported; namely, so to alter the wording of the Oath of Supremacy, that a Protestant might take it without disgrace, and a Catholic without reviling the religion of his fathers. It would be perfectly easy to retain all that gave imagined security against foreign assumption of powers within these realms, without placing the point of honour, as well as that of religion, between the Catholic and the possibility of his conforming—and thus at once to get rid of the perpetual repetition of irritating and unprofitable discussions; whilst, in the lapse of a very few years, the Catholic question would be no more thought of.

Mr. *H. Bankes* felt himself bound, in fairness to the noble lord, to state how far he could agree with him. The elective franchise ought, in his opinion, never to have been granted to the Catholics of Ireland, and he could never consent to grant it to the Roman Catholics of England. He could never consent to admit persons differing so essentially in opinions, effecting the vital interests of the constitution, to any share of political power. It should be recollected that that most injudicious measure, which admitted the Catholics of Ireland to the elective franchise, was passed in a parliament entirely Irish. To the subdivision of freeholds, and the system of fictitious voting, much of the present misery of Ireland was to be attributed. The measure of the noble lord went too far; for it would, in effect, lead to the repeal of those bulwarks of the constitution, the Corporation and Test acts. If the admission of the Roman Catholics of England to the magistracy could be effected, without interfering with the great principles to which he had adverted, it might be a desirable measure.

Mr. *W. Smith* was glad to hear that no privileges were to be conceded to the Catholics of England which were refused to Protestant Dissenters, though he could not but consider the provisions which subjected Protestant Dissenters to the Test and Corporation acts, as a most unjust and unmerited stigma on that body. He was satisfied, however, that the time was not far distant when Roman Catholics would be admitted to seats in that House. The hon. member adverted to a speech of the late marquis of Londonderry, delivered in the year 1821, in which he declared, that the only point in which the congress of Vienna unanimously concurred was, the total abolition of all religious distinctions

with regard to eligibility to office—that this measure had tended to remove dissensions which existed on that subject in the smaller states of Germany.—He hoped the time would come when such illiberalities would be trampled under the feet of Englishmen; but he trusted it would come, and shortly, when an end would be put to the absurd disqualifications which arose from religious distinctions.

Sir *J. Mackintosh* said, it appeared to him that the question before the House in no way affected the general question of the Catholic claims. He, for himself, would support that general question in every possible circumstance; he would support it whether brought forward by friends or by foes—as a partial or as a conditional measure; but it seemed to him that no vote given whichever way it went on the present occasion, pledged the House to any specific course, when that question should be discussed. As to the point of magistracy, he would offer nothing. It seemed to be agreed on all hands, that no difficulty would be met with in that arrangement, unless some difficulty should arise in the detail; and he believed that, from the manner in which the Bill would be framed, no such difficulty would arise. But, with respect to the question of the elective franchise, he was content to protest against the doctrine which had been laid down upon that point. The exclusion of qualified Catholic freeholders from the exercise of the elective franchise was part of the fundamental law, the constitutional principle of the constitution, he utterly denied. In what part of the constitution was that exclusion to be found? And, as to the fundamental law, why the Catholics of Ireland had continued to exercise the elective franchise long after the exclusion of Catholics from the Houses of parliament; and the Catholics of England had not been deprived of the elective franchise until the statute of the 7th or 8th of William 3rd—than twenty years after the exclusion of Catholics from parliament in England. Fundamental law. It was perfectly known that the statute of William 3rd passed upon the spur of the moment, and under immediate apprehension from

\* See Vol. IV., p. 1028 of the present Series.

discovery of the assassination plot, and not upon any cool and deliberate calculation of its principle. It had been stated, that if the present measure passed, the Catholics of England would be placed in a better situation than the Catholics of Ireland, because no Test act now existed in Ireland. He denied that position altogether. The bill now proposed to be brought in would not touch, nor interfere with the Test act. The Catholics of England would still be freed from the Test act, as they were freed from it under the existing arrangements by an Indemnity bill passed annually for that purpose. The fact was, that the English Catholics would hold by sufferance that which the Irish Catholics held as a matter of right. He begged to repeat, that he saw no inconsistency in hon. members taking the line which occurred to them upon the question immediately at issue, without reference to their general opinions upon the Catholic claims. The refusal, however, to admit those claims did appear to him to be almost inexplicable. It looked, he thought, like one of those acts of infatuation which had sometimes preceded the downfall of empires.

Lord Nugent said, that under the present circumstances, the motion for leave to bring in the bill not being opposed, he should not trouble the House with more than a very few observations in reply. His hon. friend, the member for the University of Cambridge, seemed to rest his principal objection on the fact of the Roman Catholics themselves not having been consulted on this measure. His hon. friend had described it as a mere project of his. As such, he wished it to be understood. But he was quite sure that his hon. friend would not be prepared to resist it on this ground alone. If the measure could be shewn to be founded in justice, he would call on him to do an act of justice on any man's project. Nor was it an objection to state, that it had not been moved at the instance or upon the prayer of those who were principally interested in the result. His hon. and learned friend, the member for Oxford, had, he thought, singularly mistaken the object, as he had stated it, of his bill. His hon. and learned friend had apprehended, that the effect of it would be to place the British Catholics higher in point of privilege than those of Ireland. He was surprised at this objection from one of the acute and correct mind of his hon.

and learned friend. He trusted he should be able to shew him, when his bill should be printed, that the utmost effect of it would be to give to the British Catholic, under the operation of the Test act which did not exist in Ireland, the same privileges by sufferance which the Irish enjoyed by right. The eligibility to office, and the elective franchise, were held by the Irish in the nature of a freehold. This bill would not go to repeal the Test act. It would leave to the British Catholic the enjoyment of those privileges only under the condition of the annual Indemnity bill—in the nature of a tenancy at will. With regard to the question as it affected Scotland, he was aware of the difficulty pointed out by the right hon. secretary of state: He would not enter upon the discussion of it now; but he thought that, under the fair construction of Mr. Dundas's Scotch act of 1791, this bill might operate in Scotland without any infringement of the act of queen Anne, which had been appended to the act of Union. If that act had not been virtually repealed by Mr. Dundas's bill, which he thought questionable, this bill could in no way touch it. At all events the act of queen Anne related only to the elective franchise. The other part of the present bill, namely eligibility to office, it did not affect. It was, however, with the greatest satisfaction, that he found the principle of the present measure adopted almost unanimously by the House. He trusted he should be able to satisfy the House hereafter upon the details.

Leave was given to bring in the bill.

**MALT AND BEER TAX.]** Mr. Ma-berly rose to move, "That a select committee be appointed to inquire into the present mode of taxing Malt and Beer separately, and whether it would not be expedient to collect the same amount on Malt alone." He hoped the House would grant a committee to examine the whole subject. As the law at present stood, the duty on malt amounted to 2*d.* on the gallon of porter, and 2½*d.* on ale; but, in addition to this, there was a duty paid by the brewer upon the beer itself, which made the total upon porter about 5*d.*, and that on ale about 6*d.* He knew not upon what principle of right this duty, which fell chiefly upon the poor, was exacted; and he was astonished that the Chancellor of the Exchequer had not

taken another view of the matter. The duty on malt, which was 3,200,000*l.*, was collected at an expence of 140,000*l.*, and the additional duty on beer at 280,000*l.* Now, could not the right hon. gentleman, by a transfer of the duty to malt, at once save this 280,000*l.* without any injury to the revenue? He had made the necessary calculations, and he felt convinced, that the transfer would have the effect which he anticipated. The whole quantity of malt consumed in England was about 26 millions of bushels, and of this nearly seven millions and a half were consumed by the rich in private brewing, and thus paid no beer duty. This made a million and a half of benefit to the private brewer, who was usually a rich man, for no other obvious reason than the giving him an advantage over the poor. An additional duty of 2*s.* a bushel upon all malt would return as large a sum to a revenue as was gained by the present tax on beer. This was the course which he recommended to the House; and if it was said that laying so high a duty upon malt would be a temptation to brewers to substitute noxious drugs for it in their beer, he should answer, that the public would have the same penal securities against that practice under the system he proposed, as under that which now existed. The hon. member sat down by submitting that at all events the case was a fit one for inquiry, and by complaining of that part of the Chancellor of the Exchequer's new bill, which compelled table-beer brewers, if they wished to make the new beer, to get fresh premises for the purpose. The bill was at best but a bill of experiment. It went entirely to destroy the present trade of the table-beer brewers; and it was hard, for the mere experiment of a year, either to stop their business and profits, or subject them to the heavy expense of taking fresh premises.

The *Chancellor of the Exchequer* opposed the motion. As to the saving in the expense of collection, the hon. member was mistaken: 280,000*l.* was the sum charged in the estimates for collecting the beer tax; but that charge was rather arbitrary. The same persons who collected the beer tax were employed in other duties. They supervised the maltsters, the glass-houses, tea-dealers, and brick-carts; and therefore the sum put down was rather a matter of average than of exact calculation. In addition to this,

VOL. IX.

it must be evident, that if a lateral duty was laid upon malt, the expense of collection would be increased. The duty being higher, the temptation to evade it must be counteracted by additional vigilance. He did not deny that some saving in the expense of collection would arise from transferring the beer duty; but those who expected to save 280,000*l.* a year, or anything like it, would be greatly mistaken. The hon. gentleman would have the belief, that no one brewed beer rich. For his own part, he could leave out of his consideration all brewers, great and small, who brewed for themselves, but gave their labourers in part payment wages. Any increase of expense would operate *pro tanto* as an increase in the cost of production. With respect to the proposed plan of the hon. gentleman as being likely to produce a great consumption of malt, it proceeded upon the assumption that malt, to the exclusion of all deleterious substitutes, would be used. But it was to be recollected, that in taking off the duty from the beer, a infinitely greater inducement was held out to the use of these substitutes; indeed measures of precaution accompanied the alteration, which of course must be attended with expense. He could assure the House he had no personal or official reluctance to the measure; but when it was considered that the revenue to the amount of nine millions was connected with the duty on barley, he did feel it his duty to precipitate any partial changes particularly when a very great change was about to be tried as to distillation in Ireland and Scotland, the actual effect of which on the revenue could not be ascertained at present. He would in any case prefer the plan of the hon. member for Reading, for equalizing the duty on beer, without increasing that on malt. He was convinced that there would be a saving in the collection of the duty upon the plan now proposed, that there would be no increase in the consumption of malt, and that the poor would not be affected by it.

Sir *J. Mackintosh* denied, that the Chancellor of the Exchequer had made the clear statement of his hon. member. The objections of the right hon. gentleman were founded on certain assumptions, the solidity of which could be



ascertained by acceding to the motion, for the appointment of a select committee. In such a committee it would be seen, whether the plan proposed would or would not be prejudicial to the revenue. By the present regulations all the inhabitants of large towns, all the manufacturing and agricultural labourers, were obliged to pay a higher price for beer than the richer classes of the community. It was not just to continue such a burthen on them, when it was probable that a transfer of the duty from the beer to the malt would not injure the revenue, while it would relieve those great classes of the population. It was said that the existing regulation secured a more wholesome beverage. Why not leave that security to the taste and palate of the consumer, and to the competition of a free trade? It was upon that very pretext that all those regulations which fettered a free trade, and to the continuance of which the right hon. gentleman had, with so much credit and sincerity, opposed himself, were vindicated. The lawgiver was gratuitously interposing, and setting himself up as a better judge of the goodness of an article of consumption than the manufacturer or the consumer. He deprecated all such interference, and should give his full support to the motion.

Mr. *Hume* contended, that the estimate of 280,000*l.* for the expense of the excise interference was correct, and was not impugned by the statement of the Chancellor of the Exchequer. As that was the amount of the charge, the saving by the proposed arrangement would be equivalent. He trusted that a committee would be appointed, and that it would direct its views to a considerable reduction of the duties on malt, convinced as he was, that the effect of such reduction would be no diminution of revenue, a great increase of comfort to the labouring classes, and much relief to the agricultural interest. Since 1792, though the population of the country had increased a third, there had been no addition in the consumption of malt. The amount of duties on that necessary article could alone have produced such a result. As to the necessity of increasing the number of excise officers, in the event of his hon. friend's plan being carried into effect, he denied that it rested upon any fair grounds. The very history of the malt duties showed the fallacy of the argument; for when the war tax was added, there was no increase, nor when

it was taken away was there any diminution.

Mr. *Benett*, of Wilts, could not give support to the motion in its present state. He would vote for the appointment of a select committee to inquire generally into the subject of the duties on beer and malt. He hailed with considerable satisfaction the statement of the Chancellor of the Exchequer, that as soon as the revenue afforded the means, he would relieve the country from the beer duties. No greater benefit could be conferred on the people. It would afford extensive relief; it would not relieve one class at the expense of another.

Sir *J. Newport* said, that by retaining which he held in his hand, it appeared that from 1752 to 1808 the consumption of beer in Ireland had increased from 59,000 to 426,000 barrels annually. During that period nearly the whole of the beer had been imported from England. In 1809, a different system had been adopted. The brewer was left free from restriction, and the consequence was, the number of barrels imported fell to 38,000; the revenue was doubled in the article of malt, the consumption was greatly increased, and it was of home production instead of foreign importation. No importation could be more complete than that of the expediency of taking off all restrictions from trade.

Colonel *Wood* opposed the motion, because the good which it proposed in reducing the price of beer was insignificant while the evil to the farmer would be considerable. The great consumption of malt during the harvest rendered it an important article in the expenses of an agriculturist, and to impose an additional tax on malt would be to increase his burthens ready too heavy.

Mr. *Wodehouse* deprecated the proposed alteration in the beer duties, at a time when such extensive regulations were about to be introduced into the distillery. He proceeded to compare the consumption of malt in the year 1791, 1792, 1793, with that in the years 1821, 1822, and 1823, and insisted that it was greater at the former than the latter period. He could not support the motion.

Mr. *Western* thought a reduction of duties on beer and malt necessary. It would, however, have it made on the aggregate revenue thence derived; it would not be done by taking a tax off one article and placing it on another. It would

preferable to reduce the duty on beer. The measure proposed would deprive the poor of the comforts they possessed at home, and drive them to the public-houses. He should therefore oppose it.

Mr. Byng expressed his dissent from the motion, on the ground that no description of persons would be benefitted by it, while the agriculturists would be in a worse situation if it were adopted.

Mr. Ricardo thought, that his hon. friend, the mover, had shown the tax on beer to be unequal, and that one class was exempted from it, while another was obliged to pay. He had shown, also, that the diminution in the expense of collecting this tax would assist the revenue. The hon. member regretted that this had been made a question between the agricultural and other classes; but, even if it were true that the tax had an unequal operation, in this respect also the sooner it was equalized the better. If the duty paid ought to attach on all persons consuming beer, it ought to attach equally. The motion should have his hearty support, because it went to accomplish that object.

Lord Althorp said, that the wish so often expressed by honourable members to encourage private brewing, would be defeated by this measure, if it should be carried. He had always maintained that the landed interest paid an undue proportion of taxes. If, therefore, an opportunity offered of lightening in some degree the weight which oppressed them, he thought it was very fair to do so. When the House looked to the amount of poor-rates paid by the farmer, he hoped it would think he was entitled to some consideration on the present occasion.

Mr. Alderman Wood supported the motion, by which he thought the revenue would be much benefitted.

Mr. Monck said, that before the malt-tax was imposed, the poor shopkeeper or farmer paid 20s.; now, however, he paid 36s. He repeated his conviction, that the malt duty was neither more nor less than a land tax, and remarked upon its great inequality as affecting the rich least, and the poor most—an inequality which had existed ever since the 8th and 9th of William and Mary, and must have been designed as a compensation to the landed interest for their compliances with the views of the government of the day. He should support the motion.

Mr. Grey Bennet saw no reason why 1,200,000 beer-drinking families of arti-

zans should be obliged to pay upwards per quarter, while a w and much richer portion of the nity paid only 20s. He consid much good would be derived froi quiry.

The House divided: Ayes, 27. N

#### List of the Minority.

Bennet, hon. G.	Ricardo, D.
Bernal, R.	Rice, T. S.
Craddock, col.	Robarts, A.
Crompton, S.	Robarts, col.
Denman, T.	Robinson, si
Fergusson, sir R.	Sykes, S.
Folkestone, vice.	Wigram, W.
Grattan, J.	Whitbread, S
Hobhouse, J. C.	Williams, J.
Hutchinson, hon. H.	Williams, W
Leader, W.	Wood, alderr
Maberly, J.	Whitmore, W
Martin, J.	TELLER
Newport, sir J.	Maberly, J.
Philips, G. jun.	Hume, J.

After the division, Mr. F. Palmer for leave to bring in a bill to ens public brewer to retail beer in quantities than four gallons and a h: vided the same be not consumed premises of the brewer.—The Ch of the Exchequer said, that there necessity for such a bill inasmuch law had already provided for its obj Mr. Monck thought nothing ec more fair or wise than the p of his hon. friend's proposition Herries thought that some misunde ing existed on the other side on th ject. The brewer, under the law, might take out two licences r the public brewer's common licen the retail licence—a circumstance obviated the difficulty complained of Benett, of Wilts, supported the mo Mr. F. Palmer said, his only object give the brewer the opportunity of l ing either a wholesale or a retail [Cries of Question]. Seeing the c tion of the House, however, he withdraw his motion.

#### HOUSE OF COMMON

Friday, May 30.

WAGES OF MANUFACTURERS. OF MACHINERY.] Mr. Attwood pi ed a petition, numerously signed, the Manual Weavers of the town and bourhood of Stockport, complaini great distress, and petitioning the l for relief. The distress which the tioners suffered, arose from the extr

low rate of wages ; and the remedy which they proposed for this was, that the House should fix a minimum on the rate of wages. They complained also of certain improvements in Machinery, the effect of which had been to reduce the quantity of employment of those who wove by hand, and which threatened to leave a large population without any means whatever of support. He perceived that the petitioners ascribed their difficulties, in part, to a hard and oppressive conduct adopted by their employers, and he was sorry to see that opinions so erroneous and so injurious to their own interests prevailed amongst the workmen. He was sensible that the petition generally, as it respected fixing by law a rate of wages, and as it complained of improvements in machinery, was but little calculated to obtain a favourable reception in the House; and he wished it to be understood, that he was not the advocate of the views of the petitioners on these subjects: but he considered their prayer to be worthy of an attentive consideration, because it proceeded from men in a state of great calamity, which extended not alone to those who had signed that petition, but to a large and important population, throughout the seats of the cotton manufacture. Whatever he thought of some of the opinions of the petitioners, he was convinced of this, that when they complained of the means of subsistence being taken from them, in consequence of improvements of machinery, and applied to the House for compensation, they raised a question of great extent and difficulty, and which was not to be met by the common assertion, denied by no man, nor denied by the petitioners, that all such improvements were beneficial to the wealth and interests of the community at large.

Mr. *Philips* said, that after all the inquiry he had made with respect to the condition of the weavers of Lancashire at the present moment, he was inclined to think that they had greatly exaggerated the statement of their distresses. The cotton-spinners' wages were, it was true, very low ; but the price of provisions was so extremely moderate, that they could live comfortably on those wages. That was undoubtedly the case when he was last in Lancashire ; and the fact was proved by the reduction of the poor-rates, as well as by the reduced number of applications for private charity. With respect to machinery, he would now re-assert what he had formerly stated ; namely,

### *Wages of Manufacturers.*

that where machinery was used were the highest. Where cottonery was introduced, the wages of the artisan were improved more for managing than for the mere labour of hands. He would contend, that were so effectual for the benefit of the manufacturing class, as the introduction of machinery ; and if parliament were foolish enough to comply with the wishes of those who wished to discourage machinery, they would inflict the greatest injury on the public, and on the petitioners themselves. A minimum of wages were established from the weavers being relieved of their project, they would at one time have no employment at all. The most prudent course would be to leave the trade perfectly unshackled, to the arrangements of the parties immediately concerned — those who employ labour, and those whose labour is employed [Hear, hear!]. In the sale and purchase of labour should be as unrestrained as the sale and purchase of any other commodity.

Mr. *Curwen* was convinced, that a minimum of wages were established would produce great mischief. Five years ago, when several resolutions similar to the present were laid before the House, a committee was appointed to consider of them. Delegates from the various manufacturing districts were representative manufacturers, and other persons conversant with the subject, were examined ; and he believed not a single person attended who did not go away perfectly satisfied that such a system would be most mischievous. Amongst the members of the committee, there was not the slightest difference of opinion.

Mr. *Grey Bennet* said, a very useful publication on the subject of machinery by Mr. Cobbett, had been extensively circulated throughout the manufacturing counties, and would, he hoped, produce a change of opinion no less effectual. Those who had not read that work were to read it ; because there was no other publication, which, for a rational and correct view of the subject, could be compared with it. He had learned more of the subject than from any publication of the kind he had ever read.

Sir *I. Coffin* said, that if the use of machinery were abolished, two-thirds of the manufacturers of this country would be reduced to starvation.

Mr. *Ricardo* said, that much information might, undoubtedly, be derived from Mr. Cobbett's publication, because that writer explained the use of machinery in such a way as to render the subject perfectly clear. He was not, however, altogether satisfied with the reasoning contained in that pamphlet; because it was evident, that the extensive use of machinery, by throwing a large portion of labour into the market, while, on the other hand, there might not be a corresponding increase of demand for it, must, in some degree, operate prejudicially to the working classes. But still he would not tolerate any law to prevent the use of machinery. The question was,—if they gave up a system which enabled them to undersell in the foreign market, would other nations refrain from pursuing it? Certainly not. They were therefore bound, for their own interest, to continue it. Gentlemen ought, however, to inculcate this truth on the minds of the working classes—that the value of labour, like the value of other things, depended on the relative proportion of supply and demand. If the supply of labour were greater than could be employed, then the people must be miserable. But the people had the remedy in their own hands. A little forethought, a little prudence (which probably they would exert, if they were not made such machines of by the poor-laws), a little of that caution which the better educated felt it necessary to use, would enable them to improve their situation.

Mr. *Maxwell* differed from those who were of opinion that a low rate of wages was serviceable to a country. The reverse he conceived to be the fact; because, from the circumstance of low wages, a great degree of crime and discontent were engendered; and when that was the case, great expense must be incurred in the prosecution and punishment of offenders. He trusted that the right hon. gentleman at the head of the Board of Trade would pay some attention to this petition. The population of the country, whether agricultural or manufacturing, should, he thought, be protected as much as possible from the effects of machinery; since it was that population by whom the taxes were paid.

Mr. *Philips* instanced the fact, that the wages of the artisan were more liberal where machinery was used than where it was not used, as a proof that its introduction was not hurtful to the weaver.

Mr. *Ricardo* said, his not that the use of machinery was prejudicial to persons employed in manual manufacture, but to the working classes generally. It was throwing additional labour into the market, and thus the demand for it was diminished.

Mr. *Maxwell* presented a similar nature from certain parts of Middlesex. He observed that the wages were higher, the working men were able to consume a greater quantity of the produce of every kind; and he acknowledged, that to diminish the consumption of which the consumption could be extended, was a great advantage.

Ordered to lie on the table.

IRISH TITHES COMPOSITION BILL.  
Mr. Goulburn moved the resolution for going into a committee to consider further of this bill. On being put, "That the Speaker do leave the chair,"

Sir *J. Nicholl* observed that the framers of the measure, who were the framers of the measure, he could not attack upon Tithes in the church property; more so. The Composition was proposed to all tithes, and it was well known that a large portion of them, in Ireland, belonged to laymen. At the same time, he must remark that caution was to be used in the exercise of the rights of property of the church. Doctrines extremely alarming were afloat in the world. An adjustment of all contracts was proposed. Principles in regard to property had been stated, and it was being stated that it belonged to the church, and was disposeable for the use of the church. Such assertions could only tend to measures of spoliation and plunder. But a tithe or commutation for tithes necessarily bear that character, that sort had been proposed in former periods by some enlightened men. Yet it should be recollected that all such plans, however specious at first, always proved abortive, and in detail had always preserved the evils which were found to be the result. —After these experiments had been repeatedly tried, and considering the evils from the tithe system in the United Kingdom, we



nitude sufficiently great to warrant the introduction of a measure tending to very alarming consequences, he should have thought that a plan of the sort now proposed, if to be applied to England, would have been highly objectionable at the very outset.—But the case might be different as respected Ireland. In that part of the United Kingdom, evils so great might exist, as to justify an attempt to frame a measure for substituting a composition in lieu of the payment of the tithes in kind. The expediency, however, of the attempt, would depend on the magnitude and extent of the evils existing in Ireland. He protested, therefore, and the principal object of his rising was to protest against any inference, that because the progress of the present measure, as respected Ireland, was acquiesced in, a similar measure would be expedient for England. The circumstances of these two parts of the United Kingdom were widely different. They stood in this respect rather in contrast than parallel to each other—and he regretted that this contrast and the special circumstances in respect to Ireland, had not been more strongly marked and more distinctly stated in the preamble of the bill. He hoped that the preamble would be amended in the committee.

Objections to the measure had been started. He would not then discuss, or form a decided opinion upon them. He would only observe, that the objections on one side and the evils on the other, ought to be fairly considered and balanced. There were, however, two principles indispensably necessary to be strictly adhered to and secured. The first was, that the substitute for the tithes in kind should be a fair and just compensation, and so adjusted as to be beneficial to both parties, the tithe-owner and the tithe-payer. This should be carefully guarded, even if the composition were to be purely voluntary; since it should be recollected, that the present owner of the tithes was to bind his successor, who would be no party to the contract.—The other principle was, that the substitute should be made to keep pace with the times in reference to the changes that might take place in the prices of commodities, and the relative value of money. These two principles should be strictly attended to, and were indispensable.

Giving credit, then, to the framers of the bill, for intending to pursue these

principles, and assuming that evil in Ireland to justify an attempt and modify a remedy, but repel protest against the expediency measure for England, he should oppose the Speaker's leaving the

The House having resolved the committee,

Mr. *Goulburn* said, he was a remove any doubts which might arise in the minds of his right hon. friends as to any intention existing of altering the operations of this bill to England. He could assure his right hon. friends that such intention had ever been entertained by any one. He would, however, put an end to the possibility of such intention existing any longer; for he would propose that the preamble to the bill should be postponed; and before the bill was called on again to consider it, he would propose such an alteration in the preamble of the bill, as should completely alter the tithe system of this country if adopted. He would then consider it, should it be adopted by the House.

The preamble to the bill was postponed. On the clause which provided that the rector, vicar, or other incumbent shall return a list of persons liable to pay tithe to such an amount as would entitle them to vote in vestry,

Mr. *Calcraft* objected to the clause, which, he contended, would give the whole power of appointing the vestry into the hands of the incumbent, who, without doubt, he careful to return no individual who was hostile to his interests, or over whom he had in some way a control. He was not favourable to the principle of the clause. He considered it calculated to do good in Ireland; but he feared that as the clause was presently constructed, the machinery was too complicated for it ever to produce any effect.

Mr. *Goulburn* said, that the clause, which the hon. gentleman apprehended as likely to arise from the influence being given to the incumbent, were guarded against by the clause, by which any individual considered his name as improper, might be removed from the list returned by the clergyman on application to a magistrate, to be inserted, and become eligible to be appointed a vestry-man, having qualified himself, by complying with the other provisions of the bill.

Mr. *Dennis Browne* objected to the bill altogether, and to this clause in particular.

Mr. *Vesey Fitzgerald* strongly protested against such an arrangement as quite inapplicable to Ireland. There was a total want of machinery in the south and south-west parts of Ireland to carry it into effect. In some parishes there was not a resident magistrate. Besides, the clause would be open to great abuse, for any considerable lay-impropriator of tithes might from influence create vestry-commissioners, and check-commissioners from his own partisans, and thus collect tithes to what amount he pleased.

Sir *H. Parnell* undertook to say, that in the part of Ireland with which he was acquainted, this measure would be hailed as a benefit. Although it might not be fit for that portion of the country which the right hon. gentleman had named, yet there were two other provinces which it would suit.

Mr. *V. Fitzgerald* said, that in the county of Cork, which was five times as large as the county which the hon. baronet represented, such a measure was totally impracticable. It was monstrous to press a measure designed to be of general application, with the fact that in two-thirds of Ireland it could not be acted upon.

Mr. *Abercromby* suggested, as an improvement, that in the cases of parishes where arrears existed, and where, consequently, under the present clause, the whole of the tithe payers might be excluded from taking part in the vestry, the payment of the last year's arrears might be deemed sufficient to qualify for admission to the vestry.

Mr. Secretary *Peel* said, he approved of the suggestion. As to the proprietors of agistment land, it was obviously their interest not to have anything to do with the appointment of valuers.

Mr. *S. Rice* thought the contribution to the county rate might be made the test of the qualification of the vestrymen.

After some further conversation on this clause, it was agreed to postpone it.

Mr. *Wetherell* objected to the principle of universal suffrage in the election of arbitrators. The vestrymen ought to be chosen by a portion of the tithe payers. He thought it would be better to take this clause into further consideration on the recommitment of the bill.

Mr. *Peel* thought the argument of the

learned gentleman did present case. This was not a compulsory clause, land not now paying into the composition. It had been demanded for the last 20 years, and was to be considered that the tithe was demandable. The gentleman had talked of putting rights of the church to no such effect. It only opened the way for parties to enter into an agreement for 21 years, and at the end of the contract was to be put a new one.

Mr. *Ricardo* observed that the present bill, land improved in 20 years was not to be titheable; but as an improvement took place every year, the land was assessed of poor land, to improve it within one year after the bill, he would become liable for his improved land, while having been so fortunate in the first year sooner, would be a burthen. This would be a preference, ruinous to another. The bill might ruin Ireland, but it would be a benefit to the English agriculturist, enable the Irish grower to sell cheap, and he might glut the market, to the ruin of the English unless a protecting duty was put on Irish corn.

Mr. *Goulburn* said, the clause introduced by the hon. member for Marlborough, was one quite of a different question; though it was any measure introduced assisting agriculture in the empire. If the ground was improved, the hon. gentleman was sure the imposing countervailing duties on Irish produce, a wide field would be opened for imposing duties only in Ireland, but in value in the rest of the country. How would the hon. gentleman reconcile his proposition with the instances which existed in Lincolnshire, in particular, which were relieved from the operation of the system by special acts of Parliament according to the hon. gentleman's suggestion. We must have Custom-house duties at the borders of those countervailing duties imposed on the beautiful system of equilibrium. He must at once strongly oppose this proposition of countervailing duties.

between England and Ireland, to counteract any advantage which might possibly arise to the latter country.

Mr. *Benett*, of Wilts, though a considerable English grower himself, did not complain of the present measure, because it might, by chance, be beneficial to Ireland, at a small expense to England.

Colonel *Barry* said, there was one part of the clause to which he must object; namely, that part which gave to the commissioners the power of raising the composition one-third above the present produce of the living. He should move to omit that part of the clause when they arrived at it.

Mr. *Goulburn* contended, that it was necessary the commissioners should have a discretionary power; and that if, on comparing the average of the last three or four years, they should find the sum received by the clergyman not equal to the value of the tithe, they should have the power to fix a higher composition. Suppose a clergyman, from motives of humanity towards his parishioners, not to have taken so much for tithe as he was justly entitled to, and suppose the incumbent of the adjoining parish to be a man of different character, was it to be said, that in such opposite cases the commissioners were to have no discretionary power, but that the kindness of the one party should be taken advantage of for the purpose of deteriorating his property, whilst the severity of the other should operate in a directly contrary manner? It was not intended that the commissioners should be bound to give one-third; it was to be left to them to act as the justice of the case required. He was convinced, that, if a contrary course was adopted, this measure would, instead of proving a conciliatory one, increase discontent, as the parishes in which the composition was fixed at the higher rate would, on comparison with others more favourably situated, complain, and with reason, of being hardly dealt with. He did not consider that this discretionary power could be lodged any where better than with the commissioners, and therefore he would support the clause.

Mr. *Benett* thought that if the commissioners were to have the power of raising some livings, they ought also, if they thought fit, to have the power of reducing others.

Mr. *D. Browne* strongly opposed the clause. It was said that the tithes were

the main cause of the discontent in the land; and now the House was to adopt a measure, by which they increased one-third in most cases.

Colonel *Barry* then moved to amend the particular words of the clause which he had called the attention of the committee.

Mr. *Daly* supported the amendment. The average would, he said, be taken upon 1816, 1817, and 1818, which were all high years, and would give a high average.

Sir *J. Newport* was ready to support the clergyman as much as he now received, but no more.

Mr. *Wynn* was against the amendment. Cases of *modus* might arise, and the discretionary power might be used to enable the commissioners to do what was right by all parties.

Sir *G. Hill* thought the clause was intended rather as a defence for the parishioners than as an advantage to the clergyman; for by it the commissioners were restrained from going beyond one-third.

Lord *Folkestone* said, the clergyman would have a manifest advantage, as the composition would be fixed upon the value of the land made in a deteriorated currency. Payments now would be in a depreciated state, and restored to its proper standard.

Mr. *Calcraft* thought the commissioners should have a discretion. He was not sure whether it should be to the extent of one-third or not.

Mr. *Goulburn* said, that to give effect to the wishes of his right hon. friend, he proposed that the following words should be inserted—"That it shall and may be lawful for the commissioners, where it shall appear to the commissioners that the average is not the fair value of the living, for the said commissioners to add to such average any sum not exceeding one-third of the amount."

Colonel *Barry* thought, that if the bill, if passed with such an amendment, would prove a benefit to the people and clergy in Ireland, the bill, if passed with such a provision, would prove a curse to the clergy, as it would give to the clergy what they now receive, but no more. He could not agree to the amendment.

On a division, the numbers were, for the clause, 73; against it, 63.

Mr. *M. A. Taylor* objected to the measure altogether, as it would be increasing the revenues of the clergy, particularly in Ireland, where the clergy were enormously overpaid,

ing the respective populations of the two countries. He hoped that the Irish members would closely watch the details of this bill.

Mr. *Goulburn* joined with the hon. member in requesting the aid of the Irish members in the consideration of this measure. It was only by their aid that it could be rendered beneficial to Ireland. The hon. gentleman had said, that by the operation of this bill the incomes of the clergy would be enormously increased. The hon. member could not have read the bill, or he would not have ventured on such an assertion; for there was no compulsion; the whole was voluntary; the bill did not go to impose any new burthens on the people.

Mr. *R. Martin* observed, that the House had forced the government into this measure, and he had been a party in that force. He was decidedly of opinion, that the clergy were entitled to a fair compensation for whatever rights or property the bill might go to deprive them of; and unless that compensation was given, he was convinced the measure would never pass the other House of Parliament.

The chairman reported progress, and obtained leave to sit again.

## HOUSE OF COMMONS.

Monday, June 2.

[AGRICULTURAL DISTRESS.] Sir *T. Lethbridge* begged to state, that at the suggestion of many able friends of the agricultural interests of the country, he would, with the leave of the House, withdraw his motion, which stood for Thursday next, on the subject of Agricultural Distress. He was most happy to notice the contrast of circumstances between the present time, when he abandoned his motion, and that in which he gave notice of it. The state of things now afforded a hope of great alleviation, if not the entire extinction of that melancholy state of distress which had so recently involved a large portion of those engaged in the agriculture of the country.

[REFORM OF PARLIAMENT—DEVON PETITION.] Lord *Ebrington* rose to present the petition of the freeholders and others of the county of Devon, praying for a reform of parliament, and animadverting upon the foreign and domestic disasters which had grown out of the corrupt state of the representation. After

the last decision of the subject of reform, it might be thought that the petition was unnecessary, but it was unnecessary, had it not been for the fact that it had convinced them of its urgency. The petition had been original, and it was presented to the sheriff of Devon to certify it; but upon his refusal, it was presented to the magistrates of the county (E.) had had the hon. member's aid. This petition was not presented to the House, but it was agreed to at the meeting of the county by 5,161 freeholders, 1,000 copyholders of the county, and 1,000 number were actual freeholders. The number was more than had ever been presented at their county elections. The petitioners of the county would not have thought it necessary to present this question upon the House.

Mr. *Newman* said, he was present at the meeting, and could add to the petition its unanimity and respect.

Mr. *Tremayne* said, that he had been through the town during the war, and certainly had not witnessed a more zealous manifestation of zeal which was imported. As the noble lord had presented four-fifths of the petitioners, he would not describe the parties, one which otherwise he doubted.

Sir *F. Ommanney* thought that the petition ought not to be laid on the table, but in respect to the alleged sufficiency of the petitioners during the war, he would not be told of the benefit from the maritime expenditure at Exeter, and other parts of the county.

Mr. *P. Moore* asked, whether the hon. members who signed the petition contradicted the strong fact that the petition, respecting the reform of parliament, was presented to the House.

Lord *Ebrington* thought that the hon. baronet ought not to feel that he was bound to follow popular opinion, and to advocate for parliamentary reform whatever was the hon. baronet's opinion. He was convinced that the House ought not to forget its duty as to a reform of parliament, and that it was a very extraordinary proposition. He was competent for the hon. baronet's recommendation, and he was of his view of the subject to the other hon. member had



he saw no appearance of bustle as he casually passed through the town on the day of the meeting. The reason was obvious. The people were unanimous, and the absence of any collision of sentiment prevented the appearance of bustle or disturbance. With respect to the signatures, it was open to any member to ascertain the correctness of the annexed descriptions and addresses of the subscribers; but he was enabled to say, that 3,370 of the petitioners had actually polled at the last county election.

Ordered to lie on the table.

SCOTCH COUNTY REPRESENTATION.] Lord A. Hamilton rose to bring forward his promised motion on the State of the County Representation in Scotland.

Mr. Serjeant *Onslow* rose to order, and said, that by a standing order of the House, all orders of the day set down for Mondays and Fridays, must be disposed of, before the notices entered upon the book were proceeded upon.

The standing order to that effect was then read.

Lord A. Hamilton said, that he stood upon his right to introduce his motion, which appeared first upon the list of notices. He had yielded to the call to order, and would again sit down, if that call were repeated; but he trusted, that unless he said something which the Chair should deem disorderly, no gentleman would interrupt him in the performance of an undoubted right which he was in the act of exercising. He did not mean to disguise from them, that he felt himself placed in an unusual situation. He had already, on three successive occasions, put off his motion for the convenience of the gentlemen opposite. It was understood on those occasions, that he was to have precedence on a future evening. Now, it was obvious that if such arrangements were disregarded, it would be useless to make any such in future. Under the circumstances in which he was placed, he would leave it to the hon. members opposite, whether he ought not to proceed. He had given way before for their convenience, but he could not consent to do so at present.

Mr. S. *Wortley* rose to order. He said, he was anxious to have it decided, whether the House was to abide by its sessional order or not. In adherence to those orders, the orders of the day ought on Mondays to have precedence.

Lord Cranborne also expressed opinion that the sessional order ought to be adhered to.

Mr. Secretary *Canning* admitted difficulties in which the noble members of the House were placed on this point. It must be agreed, that according to strict adherence to the sessional orders of the day ought to have precedence on that day; but it was well known that there were deviations from the regular understanding between members on opposite sides. He was not in the House when the arrangement to which the motion referred was entered into, but he was made with those with whom he was now would, under the circumstances, make himself a party to it.

Lord Cranborne complained of the inconvenience which would arise from a deviation from the regular practice of the House. For his own part, he felt that delay would be fatal to his bill (of game bill). He should like to see the decision of the Chair, whether the sessional orders were to have force.

The *Speaker* said, that by the standing orders certain days were fixed, and orders were to have precedence over others on which notices had been entered. That regulation was, he well remembered, made under a strong protest by members, as being an infringement of the privilege of a member, to introduce a motion without notice. It was right that the sessional orders should be strictly adhered to; but, this in consequence of the inquiry into the conduct of the sheriff of Dublin, several deviations had unavoidably taken place. With respect to the noble lord now in possession of the House, he presumed that he intended to introduce his speech with a motion; and he would consent to that could be made up before the House.

Lord A. Hamilton was about to proceed, when

Mr. S. *Wortley* again rose to order, and began to point out the inconvenience of a departure from the sessional order when he was interrupted by

The *Speaker*, who observed, that he was not speaking to a point. The hon. member might urge that at the conclusion of the noble lord's speech, but not before.

Lord A. Hamilton then proceeded. He rose, he said, to call the attention of the House to the state of the re-

tion of the counties in Scotland. He was not aware that any alteration in the representation of that country would be for his individual advantage; but he looked beyond that, and took the question up as one which was likely to benefit the public. He was sorry to find that his motion had put to flight so many honourable members as he saw leaving the House, who, he believed, came there for a different object; and regretted that the interest of partridges and pheasants seemed to be so much preferred to that of their constituents. He hoped, however, the time was approaching when the interest of the constituent would be better attended to. He wished to call the particular attention of the right hon. Secretary opposite (Mr. Canning) to this important question. It was, as far as he knew, one which the right hon. gentleman had never touched—a species of reform with which he had not yet grappled. It was quite different in its nature from that of any question of reform in England. The representation of Scotland, so far from being similar, was a direct contrast to that of England. In England, representation was founded upon property and population. Neither the one nor the other formed necessarily the basis of the elective franchise in Scotland. In the Scotch counties, representation was not founded on property; in the Scotch burghs it was not founded on population. Property was excluded in the counties, and population in the burghs; for no extent of land, no possession of property, necessarily conferred a right of voting in that country. In England, the object of all the laws on the subject of representation was, to correct the abuses which had crept in, and to enforce the rights of electors; but he would show, that the defects of the system in Scotland did not rest in the abuses of the law, but in the very nature of the law itself. On this subject, he would read to the House the opinion of a very grave authority; that of the lord chancellor Thurlow, who, in speaking of the state of the representation in Scotland, had said, that the evil was fundamental, and such as the legislature alone could remedy. The noble lord then read the extract, in which lord Thurlow declared, that such was the state of the representation in that country, that the right of election might be in the hands of those who had no earthly stake in the country. This opinion he intended

to make the ground of a resolutions.

He would ask, what constitution of the House. In the first place, it ought to be constituted, as to speak the people—to act so as to represent the people—and it ought to be under the control of the constituents to the state of the representation in the country. In Scotland, it showed the system in the most odious light. This was the fact such, that the whole of the House, the immense majority of whom might be averse from representing them. Such a system could not be said to represent the people, in the strict and proper word. It was, in fact, no representation. It did not speak the sense of the people and could not therefore be said to represent the people. Then, as to the question, would he ask, was there any control over the member by the constituents? there was any control, it was exercised by a privileged class for the benefit but to the injury of the people. This evil of so long continuing day becoming worse and more in proportion as the population became more enlightened and more numerous, much the less was this system to be continued; and it was more to be continued a practice which was not calculated to speak the sense of the people. To those who were ignorant in Scotch laws and customs, it was difficult to give a clear idea of the constitution of the House, which constituted the right of a member of the House. It rested, as he had said, not on property or population, but on the possession of a piece of parchment, which was of rank, and little or no value to the holder; for the property might have claim by it might be the value of one penny. In some respect, be compared to the manor hold system in England. A manor has forty persons who pay a shilling each per year, he might be a forty shilling freeholder by his qualification as a freeholder. But, if each and every one of those persons who paid the shilling were to be represented by him. Such a system rarely occurred in Engla

the general case in Scotland. This was clear from the rolls of the freeholders in that country. He had moved in 1820, for a return of the number of voters in Scotland, which was laid before the House. From that return it appeared, that the entire number of voters in the country was only 2,889. Now, when the House heard that out of such a population as that of Scotland there were so few voters, he thought it would be sufficient to induce them to grant all he asked: which was, to consider the state of the representation of that country, with a view to remedy its evils. He had stated, that the number of voters was only 2,889; but in fact, it should be taken at somewhat less, because many names (of persons having votes in several counties) occurred frequently. As one instance, he might be allowed to mention his own case. He had the right to vote in five counties in Scotland, in not one of which did he possess an acre of land; and he had no doubt that if he took the trouble, he might have a vote for every county in that kingdom. In some counties, two persons were named in each register of a vote, by what was termed "*fiar* and life rent," and of these two each had a right of voting in the absence of the other. In some counties they voted alternately. From such a small aggregate of voters as he had mentioned for the whole country, the number in each county could be but small. In no county did the number of voters exceed 240, and in one it was as low as nine. He begged here to be distinctly understood. He did not mean to say that the possession of property did not give a vote. All he meant to state was, that no extent of property, however great, necessarily conferred the right of voting, unless it was accompanied with what was termed "a superiority" of land. But this superiority might be possessed without any property whatever.

He now came to show what was the kind of control of the constituents over the representative. In the county which he represented (Lanarkshire), the number of voters from superiority and property was 66; the number from superiority alone was 95. So that the 95 without any property could return whom they pleased to select, and the persons who really held the property of the county could not prevent it. Was this a state of things which ought to continue? In his county there were 154 commissioners of

supply, who were in fact called whole business of the county, elections, and of these not right to vote. In England, the the borough representation would be corrected by the representation of the counties; but in Scotland, representation of counties served to aggravate the evil. In the county he had shown, the representation was quite distinct from property: in boroughs how could the evil be where fourteen or fifteen self-electors returned a member of parliament. Again; what was the result of them, when the conduct of Scottish members was canvassed and commented in that country? Why, it was objection to many of them, that they were not the representatives of the people, but merely the representatives of the landed interest. They returned them to parliament. The case in the instance of his hon. friend (Mr. Hume), whose conduct was severely commented upon in Scotland in certain newspapers which were circulated there under authority about two years ago. He objected to his hon. friend, who led the member for Aberdeen. It was known, had not the member for Aberdeen, that he was not the representative of the people, and did not express their sentiments—that he was a very few. In fact, the same might be made to almost every county in Scotland.

So much for the freeholders. He would now come to the application of the principle of representation to the population. In the counties, the ratio of electors to the population was 1 to 625; in the burghs it was one to 1,000 and upwards. Was this a state of things which ought to be allowed? Was it what could be called fair representation of the people? He would not trespass on the time of the House, by entering into detail which the subject afforded. He would confine himself to the statement of a few circumstances which he recollected from the late contest for the representation of the county of Lanark, by which a judgment might be formed. He would do so, as if he entered into it in length. About two years ago, in the close of the late parliamentary session, Mr. Cochrane published an advertisement stating that on the next election he should offer himself for the

Lanark. At that time he was wholly disqualified, for he was not a freeholder, and the law of Scotland required that a candidate should be a freeholder for a year and a day. The object of his partisans from that moment was, to make a number of paper votes, to counteract the majority that had expressed itself in his (lord A. Hamilton's) favour. He accumulated a number of technical superiorities wholly unconnected with property. The contest, in fact, was merely between the government on the one hand, and himself on the other. To place the matter in the strongest possible point of view, he would state what he himself had done. He endeavoured to obtain as many superiorities as he could buy, and these he divided into as small portions as would qualify a voter, taking care that they should not exceed a single penny either way, being 400*l.* Scotch. His next business was, to find persons to hold them, and here he must observe some little mystery. Upon all the rest of the case he would be perfectly open, but he could not inform the House how he obtained those persons: that was a secret, and must remain so. If it were necessary, he should resort to the same course at the next election [Hear!]. No doubt the learned lord opposite (the lord advocate) had adopted the same expedients, or better; for no man could doubt his skill and knowledge in these matters. It was worth notice, however, that his (lord A. Hamilton's) law agents in Scotland seemed to have had a peculiar gift of knowing, from their physiognomy, what persons might or might not be trusted with superiorities, and he did not believe that, in a single instance, they had voted against him. The details of a Scotch election were somewhat amusing, and he hoped that the right hon. Secretary (Mr. Canning) would favour the House with his opinion upon them, and not deal merely in high-flown generalities. Having taken legal advice, he (lord A. Hamilton) advertised for persons to whom he might intrust the superiorities he had bought. And here he begged to read the questions that were put to voters at Scotch elections. The first was—"Did you apply for your freehold qualification?" The next, "Was application made to you to accept of the said freehold qualification, and by whom?" 3rdly, "Did you pay any price for the qualification, and what was it?" 4thly, Was

the expense of making paid by you, or by whom you give any orders for titles, that you might be rolled as a freeholder?" "derive any pecuniary emolument from your freehold?" "receive the rents estimated on the title; or if not, by what means received?" 8thly, "Are you yourself bound in honour to support a candidate whom you bestow favours?" 9thly, "Do you feel bound in honour to renounce your vote against the candidate if convenient to the grantor?" "Would you feel your honour to renounce your vote against the candidate if convenient to the grantor?" All these questions deserved attention on the House, although he admitted to excite nothing but ridicule should attempt to put them to the election. He now called the "Trust Oath" this form—"I, A. B., in the presence of God, do declare that the possession for which I claim a right is my own, and is my own in fee." Any person under the practice of Scotch law supposed that a true and honest man meant an estate in land. The English interpretation was, but Scotch electors were not of legal authority, that it was a possession of what was called a superiority.

He would now say a few words on the mode of conducting the election, which he considered, if possible, not objectionable. The greatest objection it was, that it threw so much power into the hands of the Crown, and was dependent upon the Crown in the counties. In the first place, the Crown had the right to fix the value of the qualification, and as the right of voting depended upon possession for a year and a day, it happened, in the case of the county of Lanark, that a great advantage was given to the sheriff to admiral Cochran, who made some twenty votes, more than about the same number in his (lord A. H's.) interest. The act of the sheriff was included. A great part of the result depended upon the conduct of the sheriff of elections; so that gentl



right of voting in various counties should not have the power of doing so. On the occasion to which he alluded, this science was displayed much to his discomfiture; for though he succeeded, he succeeded by a small, instead of a large majority. The learned lord must know, that elections were often prolonged by all sorts of chicanery, in order that votes might be ripened. If necessary, a vast deal of time was occupied by the talking of lawyers; and at the last Lanarkshire election it had been determined in consequence, that no lawyer who was not a freeholder should be heard. There were, however, about twenty still left, to talk just as much as they pleased. He recollected an instance at one Scotch election, where, it being necessary to send a messenger to Edinburgh, the lawyers undertook to talk till he should come back, and they did so; though the distance was sixty miles. It was to be observed also, that the poll in Scotland admitted of no adjournment, and scenes in consequence were not unfrequently witnessed highly discreditable to the humanity of the age. He had seen voters brought in litters, and kept at the doors to prevent their polling. The election being over, as a matter of course five-and-twenty law suits, respecting the right of voting, started up against him, and though he had succeeded, it was a great evil that the right of voting should be involved in such difficulty and mystery as to render the resort to a court of law necessary. He knew that speculations had been entered into, as to whether this or that president of a court was most likely to be favourable to government. Among what were called the old fifteen judges of Scotland, the result of a political question might be as easily guessed, as the result of a debate in that House. He agreed, however, that considerable alterations in this respect had taken place of late; but he asserted, nevertheless, that such a political bias existed in the courts of Scotland, that no man, who could avoid it, would venture within their walls with a question of that sort. He would undertake to prove that in the case of Mr. Borthwick, where he was a pursuer against the "Beacon" newspaper, that political bias had been in operation. He would stake his character and reputation upon the fact, that with eight men out of ten that political bias operated against him. After the election for Lanarkshire, he had been charged in the

petition with gross and corrupt but after the law-suits were de accusation was withdrawn. I be glad to know why this odious was to be continued. What been the character of Scotch eye of the world? and why was Scotch almost synonymous with job? He arraigned the House cause; for whenever a motion made to remedy the evil, it had sisted.

He now came to his last method by which he would correct abuses he had stated. On this he was disposed to say very little, in fact, merely give the outline plan. He first laid it down as that he would destroy no existing but he would add others which exist. He would introduce station between properties and subjects by making the vote depend in degree upon the *dominium utile*; were not deemed qualification would include also a certain personal property. The number of electors would thus be increased. His general object would be to conform as nearly to the spirit of the English constitution as was practicable in so differently circumstanced. He was aware that his plan might be attended with difficulties; but he was that it was liable to no formidable objections. The leading point he impressed upon the House was, that Scotch county elections ought to be correctives of the Scotch burghs, that in fact augmentations of the number could conceive few things more than for a member to be returned by twenty or thirty self-elected countrymen while there were thousands who had had a right to vote, who were excluded. He proposed him. The present member for Edinburgh (sir G. Clerk) was elected by about thirty electors, while 130,000 of the population decided for him. The situation of his hon. friend member for Aberdeen (Mr. Hunter) was directly the reverse. He was elected in spite of thirty council-men, and the inhabitants of Aberdeen rejoice in the return. The noble lord concluded by moving the following Resolutions:

1. "That it appears, by a copy of the roll of freeholders of a county in Scotland, as last made before this House in 1820, that

number of persons having a right to vote, in all those counties together, did not exceed 2,889.

2. "That, by the same return, it appears that the greatest number of persons having a right to vote in any one county, did not exceed 240, viz. for the county of Fife; and that the smallest number did not exceed 9, viz. for the county of Cromarty.

3. "That it further appears, from the same return, that many of the same persons have a right to vote in several counties, and consequently that the total number of voters for all the counties of Scotland is considerably less than 2,889.

4. "That it further appears to this House, that the right of voting for a representative for a Scotch county depends, not on the possession of the *dominium utile* of any real landed estate in such county, but on holding superiority over such estate, which superiority might be, and frequently is, disjoined from the property, insomuch that of all the persons qualified to vote for a Scotch county, there may not be one who is possessed of a single acre of land within the county; while the whole of the land may belong to, and be the property of, persons who have not a single vote for the representative.

5. That this House will, early in the next session of parliament, take into its most serious consideration the state of the representation of counties in Scotland, with a view to effect some extension of the number of votes, and to establish some connexion between the right of voting and the landed property of that country."

The first resolution being put,

Mr. *Maxwell* begged leave to second the motion, and contended, that the people of Scotland were extremely dissatisfied with the existing system, and claimed of the House that a change should be made. No doubt the support which ministers received in some places was a conscientious support, but in general their friends had displayed credulity rather than discretion. The state of the House of Commons—the feeling of the members who composed it—might be read in the general conduct which they pursued towards the country. The labouring classes were ground down by taxation. The merest necessities of life paid tribute to the state. The manufacturer was reduced to the lowest rate of wages upon

which it was possible for tained; and he was forbidden his abilities abroad, even be unable to find a man home. He (Mr. M.) believe that any Scottish look at such a state of feel himself, in some degree for it; that he could reflect in which the revenue was country, or of the vice & content which of late y therein, without being much of that vice and his door. If it was wo country to have a repres at all, such a system ought stantial and not a nominal to be a system in which t place confidence, and not no minister could rely, if ward any measure for the

Sir *George Clerk* believed the present system of Scotch was one with which Scotch perfectly satisfied; at least, he had heard no complaints against it, and was convinced it would be make any operative alteration in the system, without entirely municipal law, and the ten throughout the kingdom. that the extent of copyhold of tenure tantamount to not so great in England as but why was it more a copyholder to be without franchise in Scotland than where the principle was, that hold a large estate for 99 as good as perpetuity, who vote for members of parliament that privilege was within of every freeholder of forty The noble lord opposite in subserviency of the Scotch and of members returned "ment" voters; but if the returned members were of party, how happened it lord, who was decidedly parchment interest, was coming forward in opposition while he (Sir G. Clerk), Edinburgh, where the noble the voters to be real, usual support the measures of government denied that there was any copyhold property in Scotland of 10,000*l.* a year, or of a

proaching to it—who had not, in some way or other, (though not upon his copyhold), the right of voting. If the House was to enter upon the broad question of parliamentary reform, and to decide, generally, that population rather than property was to be represented, then let the change extend to Scotland by all means; but, if property was to continue in England the basis of representation, let it be remembered that the “parchment” voters of Scotland were created by the influence of property. Honourable members spoke of the manifold evils which were entailed upon Scotland by her restricted elective franchise; but he confessed he saw none of them. During the late pressure of public distress, Scotland had suffered comparatively little; while the condition of Ireland, with all her extent of suffrage, had been wretched to a proverb. Indeed it had been doubted whether Ireland might not be benefitted by a restriction of her elective franchise. The noble lord, among other grievances which he had brought forward, complained of political bias in the minds of judges. He (the hon. baronet) believed, that upon matters connected with election rights, twenty-five actions had been brought on the part of the noble lord; and he begged to ask whether as many had not been decided in his favour as against him? The noble lord had more reason to complain of the juries of Scotland than of the judges, since it was a jury that had given him a shilling damages, in his action against the printer of a newspaper. He was sorry to hear the noble lord falling into that vein of insinuation, too much encouraged since the Union, as to the faculty of Scotchmen for making their way in the world. The prudence and good conduct of the natives of Scotland who had left their own country, had too often excited ill-feeling and jealousy. They had been charged, and most unfairly, with over-subserviency; and he was sorry to hear such charges indirectly supported by the noble lord. Feeling, as he did, that the noble lord's proposition was uncalled for, and that the act of the Union was a complete bar to its being carried into effect, he should sit down by moving the previous question upon the noble lord's preliminary resolutions, and giving a direct negative to the last.

Mr. *Kennedy* denied that the proposition of the noble mover involved the subversion of the existing tenures of property

in Scotland. The hon. baronet asked, what evils Scotland sustained in the present state of her representation. He would tell the hon. baronet suffered that evil of which the baronet's own conduct formed a part. The majority of her members were always in adherence to the government of the day, let that government be what it might. The fact was undeniable. It was impossible to deny that since the Union, the great majority of Scotch members had uniformly been subservient to the government of the day. In Scotland there could be no public meeting. In the present state of the country, the hon. baronet must be at least 250,000 persons to express their sentiments. No opportunity was afforded them to express their sentiments. [“What hinders them?”] The baronet asked, what hindered them? The answer was, that the constitution did not provide any legal mode by which they could be called together, though a most numerous and respectable population could be pointed out in any part of the Kingdoms. He exhorted the hon. baronet to consider well the danger of a large and increasing population as that of increasing ignorance and immorality, and intelligence, without the means of expressing their opinions for public opinion. What would be the state of England or of Ireland, if always been kept without opportunity of making known their grievances? He was convinced, that were he to express the sympathies of the English people who heard him, and if the question were left to be determined by what they felt upon this subject only, there would be but one decision, and that would be in favour of the motion of his noble friend.

Mr. *Horace Twiss* said, he had been though unconnected with the kingdom of Scotland, he should be permitted to express some opinions on this subject, especially as he had no intention of entering into the details of it, which, really, he thought, had been disposed of in the most complete and satisfactory manner by his hon. friend, the worthy baronet. The noble lord had proposed a large and wide change; but the measures which he had laid, instead of being extensive with that project, were very narrow and particular. The greatest evil complained of by the noble mover seemed to be the inconvenience sustained from the want of a

adjourn the poll: and if his remedy went straight to that grievance, without sweeping over other matters where no grievance whatever was proved, perhaps there would be no great objection to be made; but the fallacy of his reasoning was, that from a few particular and slight inconveniences, he inferred the necessity of a sweeping reform. Not less strange was the argument of the hon. member who had spoken last; who in one part of his speech had observed, that the evils of the Scottish representatives system were uncomplained of, only because the people of Scotland are indisposed to political agitation; and in another passage had made it a main argument for reform, that a vent was necessary for that political agitation which, a moment before, he had denied to exist.

But, Sir, (continued the hon. and learned gentleman) if I do not concur with the supporters of this motion in their view of the reasons for it, still less do I concur with them in their estimate of the reasons against it: among the foremost whereof I regard, what they deem of little import, the treaty of Union between England and Scotland. Why, we are asked, when all else is changing, should the elective franchise be held unchangeable? I will not descend to the narrowness of arguing that every provision of the act of Union is as incapable of alteration, as that which guarantees the respective churches of the two kingdoms; but it seems to be the opinion of the best authorities, that there are some other conditions, which were intended to be equally fundamental. Now, but for the inference suggested by the abolition of the heritable jurisdictions, which were included in the same article with the superiorities which carry the county franchise, I doubt whether it would ever have occurred to any body to suppose, that the representation and the franchise were among the items intended by the treaty to be left open for future alteration. And this, not only from the intrinsic importance of these matters themselves, an importance second only to that of the enactments touching the two churches,—but also by reason of that peculiar tendency in such topics to excite irritation, which made it manifestly necessary, that when once settled, they should be stirred no more. For, without meaning to contend that any compact ought to fetter the parties to it, from doing what may be agreed on every hand to be really

for the common advantage, we may still there are objects, abounding toward that common: can hope for any agreement the wisest and most moderate there is the utility of points on which parties the preliminaries they matter little; but upon they are prone to fallacies become infinitely institutional barriers against invasion on either hand: decessors regarded that of distraction, the religious people. Such is that interesting topic, the constitution and therefore does the act to have required, that constant with dissension quickened into debate. adjustments as final one better for worse, in all be subscribed by each deed in the nature of because opinion is urged by law,—but in the national churchmen call articles the subscriber, though I doubt, can never be sanctioned.

But then comes the abolition of heritable jurisdictions, secured like the superiorities the franchises, by the Union, were yet abolished by parliament. Sir, there is no distinction between the lawful the jurisdictions, or superior lawfulness of re-modelling the franchise. A word or two After the propensity was evinced, both at the Revolution during the civil wars, to parts of the rights and property subject as savoured in an public trust or of corporate institutions too without making any the proprietors; it was vested in the holders of such benefices Scotland, as was not such, for example, as the jurisdictions, should be anxious were entering into new put all this property upon should at once make thereby secure it against patriotic confiscation, by the hands they were now abolishing their constitution. See



powerful proprietors, without whose consent you could never have accomplished any union at all, you granted the stipulation which they required to protect them: a stipulation, not that their heritable jurisdictions and superiorities should, like the constitution of parliament, be perpetual, but that they should be enjoyed as they then were by the laws of Scotland, that is, not as mere revocable public trusts, but as rights of property. If, after that article, you abolished them at all, you could do it, only as the Scottish parliament before the Union, and the British parliament since, could, and very often does, take away a strictly private right of property, be it a toll, or a rent, or a piece of ground through which a road or canal is to pass—that is, by making due compensation to the owner. That was the manifest object of the reservation so carefully worded as to the heritable jurisdictions. That is therefore the true key to the construction of the reservation: and the proof of it is, that when the jurisdictions were abolished, the statute made express provision for giving compensation to the proprietors. [See 20 Geo. 2, ch. 43, s. 6—and 21 Geo. 2, ch. 23, s. 22.] But this was not the footing on which the same treaty of Union established the elective franchise. The elective franchise was not put upon any ground of proprietorship—that franchise was not left to the loose phraseology of the 20th article of Union, which made property, or confirmed as property, the superiorities and heritable jurisdictions: that franchise was guaranteed in a separate branch of the treaty *as a part of the constitution of the Scottish state itself*. Now, so guaranteed, I do argue that it became incapable of being overturned by the united parliament, either with or without compensation to the individuals deprived.

Nay, Sir, the very statute for the abolition of the heritable jurisdictions, which gentlemen have cited as an authority for changing the elective franchise, that very statute itself affords one of the strongest arguments to prove the elective franchise unchangeable. That statute, among other reforms, enacted, that certain lands which, for many civil purposes, had been long, by some fiction of law, disunited from the shires within which they were locally and substantially situate, and treated as part and parcel of other distant counties, should once more be deemed portion of their contiguous shires, so as to re-unite

their legal with their natural. But the re-union thus ordained no caution had been inserted to the contrary, have transferred, with the lands, the corresponding rights likewise to the same contiguities: which consequence in order to prevent, an express provision was made in this statute [s. 16.], that it should not extend to vary or alter the elective franchise. Why, Sir, than make any, the smallest alteration in the elective franchise, at a time when alterations so extensive were made in the forensic jurisdictions, the statute was fain to keep up so anomalous a piece of antiquity, an arbitrary severance of the vote, from the particular farm that it was attached to, but even from the very county as gentlemen opposite would say, naturally have gone to market, and send the voter, for the exercise of his right, from Fifeshire, perhaps, to extreme Caithness—I think it is strong evidence, to shew how a section of the Union act, which represented the franchise by lord Hardwicke and the other authorities who carried the abolition of the heritable jurisdictions—how probable such stipulations of the Union were considered by those eminent men, even at the very moment when they were extinguishing, by a compromise, the rights which had been formerly enjoyed as rights of property.

Sir, I come now to what may be the popular part of the noble lord's motion. It would be much too large a task for me now to consider, how far it may be possible, in common reason and justice, for members who are elected by the law, to act as fair representatives of the many. The theories of representation under affirm it; and, preferring the experience of the one to the philosophy of the other, I rest satisfied in my belief, that thirty members, chosen from other constituents than the hundred and two or three thousand superiorities, be, and are, a fair representation of the entire landed interest of Scotland. I observe the more specific nature of these franchises, it seems, are of a paper superiority, held without any interest of land. Be it so; but do not deem property indispensable to

[Hear!]? If so, in what manner does the noble lord propose to deal with our populous cities, where every freeman who can pay, or get somebody else to pay, for the stamp on which his freedom may require to be engrossed, though he have no other property, real or personal, becomes straightway an elector in virtue of that paper superiority? If property be indispensable, what view will the noble lord take of that nearest approach to the perfection of universal suffrage, the borough whose hospitable franchise bestows itself even upon a beggar, by the boiling of a pot—insomuch that the treat, which the politic liberality of the candidate may have conveyed into that magical cauldron, comes out of it, at once a supper and a vote [Hear, and a laugh!]. —O, but mark the danger these paper superiorities lead to: the whole elective franchise of Scotland may come, *by possibility*, to be engrossed, by a set of voters, not one of whom shall hold a single acre of her soil. Sir, that is about as reasonable as it would be to allege, by way of objection against the English representation, that, *by possibility*, the few hundred individuals who constitute the House of Peers might buy all the lands and tenements in England, and so become masters of both Houses of Parliament. Such things, to be sure, are possible in a physical sense, and possible in a legal sense; but in a moral, practical sense, with which alone we have here to do, they are not possible at all:—and this extreme kind of hypothesis, though useful enough by way of illustration, or to try the universality of an abstract proposition, is far from being a safe guide to the undoing of existing institutions.

In general, Mr. Speaker, when a system is attacked, it is alleged to be overgrown with abuses: backslidings from its original integrity are strongly charged:—but the noble lord insists little, if at all, on that ground: his imputation upon the county electors is, not that they are corrupt, but that they are few. Why, he inquires, when England has a mixture of popular with close election, should Scotland want popular election altogether? Why should there not be something like uniformity between the two systems?—Now, independently of the obvious consideration, that two widely different systems may be better suited to the different circumstances of two different districts than any uniform system

could be to both—the answer to be given, that speak of the two modes and south of Tweed, a distinct systems. The very accurate language but they are now dis being equally parts of more comprehensive I argue upon the Scottish it were still a separate o an unconstitutional as a rate view. For Scotlan at the time of the U separate allotment of h that, by that new chart another and more benefi come joint tenant, th common and undivi [Hear, hear!]. In se with Ireland, the repre kingdom was permitted racter, by much more c than the representation. But if, after giving the the popular principle in a fair compensation for served in the Union wit are now to re-organize presentation also, upon you then give the cast i the popular weight, and a balance of your former a thus, however the profes be mere uniformity, t would be gross dispro cally too, is not the bene popular in the elections Ireland, just as much op Scotland, as to the Engli selves? The noble lord hon. member for Aberde in more than one passa ment: I have no object instance; and I ask whe member, taking advanta name, should offer hima vacancy for the popul Southwark, his Caledoni be any bar to his Eng On the contrary, I success would not be suc tant absentee (sir R. W fulfils by a very abla Lambton) the trust of r that extensive district, m share the lot of those unl on returning from a d the mortification to an cuckoo domiciled in th

laughter!]. The complaint therefore is, not that the Scots are excluded from their share in the popular part of the representation, but only that they must come across the Tweed to get at it. Does a Scotchman think that such a hardship? [A laugh!]. If, indeed, the converse had been the case—if the northern candidate, instead of being allowed to cull the fruits of popularity in the south, had been limited to the growth of his own soil, and, as the epigram has it, “not left to wander, but confined at home,” one could have conceived the hardships of clogging the privilege with that unpalatable restriction. But at present, to speak seriously, the whole objection amounts but to this, that each of the districts does not present, within its own limits, as gentlemen would have it, a miniature of the whole united election—a microcosm of its own, which I believe would be practically as unserviceable, as I allow that it might be curious in the way of speculation. And therefore, even if I were to admit, which I do not, that the representation of Scotland had been defective, when, as before the Union, it did form a distinct system of its own, I should not therefore be bound to acknowledge it defective, when combined, as now, with the representation of the rest of the empire, any more than I should be obliged to concur with the reformers in condemning the Cornish representation, mixed as it now is with that of the empire at large, however little I might approve it as an integral system. There was nothing in the respective constitutions of England and Scotland, that should prevent them; different as they were, from harmonizing when united, and *that* without neutralizing the peculiarities of either. The principle of each representation, and especially of the English, which was the larger, was always a miscellaneous one: a principle not of uniformity, but of variety; and though, when the united constitution was built out of the separate materials, the combination included more numerous diversities than had ever before been brought together in any single design, yet diversity here was not incongruity, inasmuch as the original fabrics had both been of the composite order. If, indeed, the question had been merely upon the *taste* of this or that theory of representation; if the dispute were simply whether variety, or uniformity, would have the finer effect in laying out

the ground-plan of a constitution might be more ready to accommodate matters, and yield a little upon contention, whether it would be tasteful to leave our land, both north and south, in its present natural shape, or to square it out, as the theorists would have us, into a parallelogram of smooth-shaven and regular quincunx, where

—“each alley has a brother,  
“And half the platform just reflects the other.”  
But ours is a constitution not kept together for ornament. We want it for work and for wear; and if there be one of its principles to which, more than to any other, I believe it to be indebted for that faculty of self-adaptation to circumstances of all times, which has served it, under the blessing of Providence, through so many chances and changes, it is that variety in its combination by which it has been enabled to bring some fresh remedy forth, suited to the nature of the particular difficulty which may press upon all the arguments, therefore, which may be urged in favour of these reforms, that which turns upon the expediency of trimming the different kingdoms to a common measure, is that which seems to me the least entitled to regard; it proceeds upon a fanciful analogy which has no existence in fact, and which the spirit of our plain constitution only disavows, but absolutely and emphatically rejects.—The hon. and learned gentleman sat down amidst cheers, which the question was loudly called for, and the gallery was partially cleared for a division, when

Sir James Mackintosh rose. He began by complaining of the small number of the gentlemen of England who were present at the discussion of a question of so much importance, and of the still smaller number of attention which that question commanded. These circumstances induced him to offer a few remarks upon the arguments of the hon. baronet who spoke last. He begged leave to say to the House, that the hon. baronet had tempted to couple the present question with the general question of Reform, and that there was not the slightest probability for so doing; seeing that the measure proposed would not pledge any vote for any other measure. The hon. baronet had had recourse to the

argument of the scattered abuses which were found in the English constitution. He had introduced the case of the exclusion of copy and leaseholders from the franchise, as a justification of the case in Scotland. This argument did not, however, meet the reasoning of his noble friend either fully or fairly, as his noble friend had two grounds of complaint—the exclusion of real freemen from the franchise, and the admission of those who were not freemen. Now, there was in the practice of England no parallel to the latter of these, and it was the one which called most loudly for reformation. He would ask, what there was in the exclusion of the copy and leaseholders of England from the franchise, which could be pleaded as a precedent for the admission of the paper freeholders of Scotland to that right? Although these were excluded, still the great mass of the English counties were freeholders, and in the representation of these the mass of the county was represented. The freeholders had, no doubt, their due ascendancy; but still that did not destroy the general effect of public opinion. The representation of Scotland was not arraigned because it excluded a few leaseholders and copyholders, but because it excluded bodies of men who were the real possessors of the property of the country. But, said the hon. baronet, the case of Scotland was not worth the consideration of Englishmen. If, however, such a case was to be given up—if it was to be disregarded or treated lightly by the gentlemen of England—then he would say, that they had renounced every English idea. He would appeal to the feelings and to the conscience of every independent man, whether it was just to take this paltry pettyfogging view of the question. It had been urged, that Scotland was a province of Great Britain, and that, as the degrees of political right and political feeling varied in the different provinces, there was no reason to complain, though in Scotland it was nearly extinct. But he would ask whether there was any district of England where political feeling was extinct? Even in Cornwall, the very home and holy land of boroughmongering, the feelings of freedom were not extinct. No doubt it had been buried under an immense mass of corruption; but still it was cherished with religious care. This was the cause of the want of parallel between Scotland and

England. The whole of Cornwall to York, with the same laws. In Scotland the case was the reverse. The administration were not in England; and, if the laws, they had need of presentation than in England. It was true that the constitution was the security for the liberty but the advantage which in that way was very different which was derived by an Englishman—it was much the same as was enjoyed by the people of Scotland. The hon. and learned gentleman last had urged the article as a reason why there should be a change in the representation. He had admitted, that the party was at liberty to make a change which might be of advantage in any way or other, he had found that the change of the representation did not belong to that class. The learned gentleman had gone on of the abolition of the hereditary rights with much ease,—be it matters of property. Yes, but matters of property! Now Mr. St. John's opinion, this was a difficult business to get over which applied to the case. In the proposal of his noble friend there was no right to be taken from the people—it was merely property of the people that which was their right.—There was an arrangement which had been set up by the constitution and the hon. and learned gentleman against the change suggested by his friend, and that was the present system. He would tell them, that things had not changed and that the present mode of presentation formed no part of the law of Scotland. He should not be necessary to go back to an ideal period of Scottish history, the time of Hugo, the great Picts. There was enough of liberty within the range of the constitution, and even in the statute book. In those statutes a liberal system of representation was recognised; and it had been the Revolution by an extension of the county representation had the conduct of the land had done well in that



vented the return of the exiled tyrants; but if, at the same time, they had prevented all improvement in the mode of representation, Scotland would have had little cause to thank them upon the whole. The fact was, that the representation was liberal in Scotland, at a time when it was barely known in England. Whatever might be said of their prudence, the Scottish reformers had pursued bolder measures than those of England. By a statute of James 1st, in the year 1427, which was coeval with the English statute for regulating the elections of English commoners, it was enacted, that two or more wise men should be returned out of each sherrifdom to serve in parliament, according to the largeness of the shire. This statute was re-affirmed in 1587, under James 6th, of Scotland (James 1st of England), in nearly the same words. There had too been a claim of rights, analogous to the English bill of Rights, and articles of grievances agreed to by the Scotch parliament. The articles of grievances were presented to William and Mary, together with the crown of Scotland, in April, 1689. Among other things, they required a more full and impartial representation of the lieges in the Scotch parliament. This did not remain a dead letter, but in June, 1689, when the Scotch church establishment was settled—when the fundamental laws and institutions were finally to be adjusted—the reform of the county representation was settled also. The former declaration was cited, together with the statutes of James 1st and James 6th, and the county representation was enlarged. The larger counties were to send 26 members each (only two from each shire had been allowed previously), the smaller ones were to send 9. Sixty-five commissioners of shires were ever after to sit in parliament, and 66 more burgesses, making an addition of one-half to the whole representation of Scotland—one-fifth to the Commons' representation. It appeared then, that nearly four hundred years ago, the people of Scotland looked for a better representation than they then enjoyed; and that it was on the condition that their representative system should be improved, that they agreed, at the Revolution, to place William and Mary on the throne. His noble friend, he contended, had never called for a more extensive reform than that which the parliament of Scotland had itself demanded. Thus, as he had described

it, stood the representation of Scotland, at the period of the Revolution, and until the Union of the two nations was effected; and, by not following up that which had been previously promised, as great a breach of trust had been made, as if the Presbyterian church government had been overturned: not because the promise was established by law, but because it was a matter of compact between the king and the people at the time of the Revolution. At that period a remedial measure was proposed, and his noble friend now wished that a remedial measure, commensurate with the evils which were complained of in the present day, should be carried into effect. It was not until the progress of commerce had enriched the inferior classes, that there was, in the parliament of Scotland, any important number of land-owners, except the tenants of the crown *in capite*. The great body of the people, oppressed by a feudal system, were not represented. The nobility and ancient gentry might be said to have been represented, but no others. The situation of the people was deplorable. That great man who might be denominated the last of Scotchmen, who never laid himself open to those common imputations which the hon. baronet had so liberally used—that high-minded individual, whose integrity and independence had earned the glorious eulogium that “he would cheerfully lose his life to serve his country, but that he would not do a base act to save it,”—that venerated man, Andrew Fletcher, of Saltoun, patriot as he was, and much as he loved his native land, felt so sensibly the lamentable situation in which his countrymen were placed, that he declared himself willing to accede to a system of slavery, by which he believed their condition, as compared with that in which they then stood, would be improved. He said this because he saw that the plans of representation which were at that time proposed, embraced the rich, the great, and the powerful, but excluded the people in general.—The hon. baronet, in the elucidation of his views on this subject, had adverted to the state of the representation in Ireland. He could not have had recourse to a more unfortunate exemplification. He (sir J. M.) knew perfectly well the state of the representation in that country. There was an abundance of voters. But of what description? They were nominal and fictitious voters. The multiplication of voters of this kind,

was the bane and curse of Ireland. They had no opinion of their own. They were driven to the hustings, there to vote just as the proprietor of the soil pleased. Between the proprietor of the soil and the voters thus fabricated, there was no community of interest, there was no reciprocity of feeling, which was the link that bound together the landlord and the tenant in this country—It was the true source of a fair and legitimate influence—of that influence which he hoped would never be extinguished in England. The voters of Ireland were driven, like slaves, or rather like irrational brutes, to give their votes; when, in reality, they had no voice in the election, but were compelled to act as others dictated. In the present instance, the people of Scotland complained of nominal and fictitious voting; and it astonished him that the hon. baronet should have met that complaint by referring to a place where nominal and fictitious voting had produced such baneful effects. He had long lived in England. He had spent his life in studying the practical effects produced by a free constitution; and he was convinced, that the greatest blessing they could bestow on the people of Scotland, would be, to approximate, as nearly as circumstances would permit, the system of election adopted in Scotland to that pursued in this country. He was ashamed to hear it said that the constitution of England was unfit for Scotland, at the very time when they were reproving other nations for not bringing their constitutions nearer to the great model of justice and liberty. Mr. Burke had truly said, that “liberty was not an evil to be limited, but a good to be increased.” The observation was founded on the experience of ages. As much liberty as there was in a government, so much happiness would there be in a country. Liberty was the great stimulant which called forth genius. It was the school of every public and every private virtue. The nearer they approached a pure elective system, the nearer were they to rational liberty. If these, then, were its beneficial results, upon what ground was Scotland to be denied even an approach to the enjoyment. He begged the House to recollect, that in giving its support to a measure which led to such an approximation, it was not to be presumed that it was committed on the question of popular representation. He acknowledged himself a friend to parliamentary reform; but, in the present instance, there was no

analogy between the motion before the House and the motion after any hon. member present. The present motion being a declaration of principle because he was in question of reform in the House, he pledged himself to prove that there was no difference between a vote for the friend, and the large elementary reform. He was in mind, that no population existed in Scotland. of freemen to a so fitted by knowledge for the enjoyment of policy not merely unbut dangerous to thepire at large.

Lord Binning entered the assertion, that there was no connexion with the in England. The noble lord, with respect to the representation of Scotland, greater change than universal suffrage in Ireland had been said about the Scotland; but he English gentleman acquainted with the whether he did not free country? If he had been dissatisfied representation of the noble lord did on the have been forward House know their denied that they wished change; and he would settle the whole system in Scotland, for the be derived from a free election. It was said that members might be electing siding in Scotland. theoretically;—but, the case. There was in which the land was possession of the the noble lord's statement it would have been change, but he denied. The noble lord had in the county of Inver superiority votes; but how they were conducted. Now, twenty of the

The landed estate of the duke of Hamilton, and twenty to the landed estate of lord Perceval. Here were 40 out of 95 directly connected with the land. This might be a bad system; but, whether good or bad, it was clearly connected with the land; and when he showed that it was so connected, he overturned the noble lord's argument. He had heard no complaints against the existing system, amongst the people of Scotland; and he believed it would be allowed that the peasantry of that country were as enlightened and as happy as any portion of the empire. The noble lord had not proved that any abuse had taken place under this system; and therefore he trusted the House would not be induced to alter it. When it was stated that there were only 2,889 voters, gentlemen, who were unacquainted with the subject, doubtless felt considerable surprise at the smallness of the number; but the house had no notion of the very limited number of landed proprietors in Scotland. The extreme barrenness of the soil necessarily reduced the number of proprietors. It required a very large piece of land, in Scotland, to realize 100*l.* a year. Therefore, when 2,889 proprietors were spoken of, that number, in Scotland, was equal to a very large number indeed in this country. He was convinced, that the introduction of popular elections in Scotland would not produce any of those blessings which the noble lord had pictured. Besides, the plan of the noble lord was by no means clear. He was quite certain that any alteration would be mischievous; and he would contend that they had no right to interfere with that article of the Union which applied to this subject, unless it was for the benefit of the people of Scotland. The people of Scotland had not called on them to do so: and they ought not to be induced to alter the law, either upon the arguments of the noble lord, or the reasonings of general theorists, however ingenious those reasonings might be.

Mr. J. P. Grant supported the motion of the noble lord. With reference to the article of the Union which had been so frequently alluded to, he held it to be perfectly clear, that no country could bind its posterity by any stipulation which the circumstances of the moment had created. He was clearly of opinion, that no gentleman who voted for the proposition now before the House, would be bound, in consequence, to support any motion for a reform in the representation

of this part of the kingdom. He wished to conceal his sentiment question of general reform; but he was restrained from doing so, because he thought it was better that they should confine themselves to one tangible point. The question was said to affect only one part of the empire. But how could a gentleman who recollected that the kingdom contained two millions of inhabitants, who considered that it was rich in every attribute which constituted power and greatness — argue that it should not have a popular election of any kind? He would assert, that such a state of things would have no prejudicial effect on the prosperity of the country? If he looked to the case of England, was it, he would ask, which of the higher and lower classes was better represented, and brought all portions of the community into communication with each other, but popular representation in England all classes took the same and most anxious interest in a general election, in Scotland the case was the reverse. The question then was, as to the providing any specific remedy for the evils of Scotch representation, whether or no those evils did really exist. On these grounds he gave his support to the motion.

The *Lord Advocate* said, that at a late hour, although he had originally intended to go into the subject, he did not now discuss it at any length. He admitted, that those who were attached to the English system of representation could not be favourable to the Scotch county representation. Gentlemen would do well to consider, seeing that such as it was, it was established by the people of Scotland, that they had no right to force a new system upon them. As it now stood, it was as bad as the reign of Charles 1st, and remained unaltered and unimproved since the time of the Union of the crowns. The hon. and learned gentleman for Knaresborough had spoken of the complaints made by the people of Scotland at the period of the Revolution, and the remedies proposed in the Bill of 1792 for representation; but there was no subject of complaint but one, and that was, that where the large counties returned two members, the small counties returned the same number. To remedy the cause of complaint a remedy was proposed by allowing an additional number

county representatives; and since that event, the people have expressed no dissatisfaction on the subject. He contended, that the more powerful country of England was not entitled to make a change in the representation of Scotland, unless the necessity for it was clearly proved; but no such change was called for by the people of Scotland. Had there been one petition in favour of such a change? What had the noble lord been about for these three years, during which he had been bringing forward motions affecting the elective franchise in Scotland, that all that time he had not procured the support of one petition? The House had been told, that there were no popular meetings in Scotland; but the fact was otherwise; popular meetings could and had taken place in the towns, and he did not see what was to prevent popular meetings in the counties. In the counties, all the freeholders, the justices of the peace, the commissioners of supply, and every heritor had a vote. How, then, could it be said, that there was no such thing as a popular meeting in Scotland? Were the people of Scotland so blind to their own interests, or so inveterately stupid, as to neglect a matter of essential national benefit, if they regarded a change in the representation in that light? If the state of the representation was a grievance, would it be passed over by a people who treated all measures of national import with wisdom and intelligence? He could instance the tithe question, the game laws, the poor laws, and the laws relative to insolvent debtors. It was, therefore, to be inferred, that they would have been fully sensible of the necessity of the present proposition, if it were really founded in a true view of their interests. He entreated gentlemen not to suppose that this was an isolated question. Let them be assured, that if it was carried, it would be a great advance towards the carrying of the general question of parliamentary reform. On the grounds he had stated, he should oppose the motion altogether.

Lord *Milton* observed, that an erroneous impression had gone abroad with respect to this question, as if it were interesting to Scotland alone. Now, he considered it interesting to the whole united empire. If it were the law and the practice for the Scotch members to confine themselves to subjects of Scotch legislation, the question would in that case exclusively affect Scotland; but as

the representatives of the vote in the united legislature was one of imperial intension, he denied that the Scotch representation was imperfect, and that the noble lord had allowed that in the Scotch counties of political opinions, and, capable as the country of England of exercising choice. He believed the people in Scotland the virtuous in Europe. What could there be that the noble lord should not be intrusted with? It had been said, that if the franchise were conceded to Scotland, the same nature ought to be conceded to England. He did not see the difference between the two questions necessary in Scotland and in this country. He warmly supported the motion.

Lord *Glenorchy* said, that he was wanting in the discharge of his duty to his country, if he did not give his concurrence in the motion of the noble lord. If there had been any opposition in favour of the motion, the public sentiment had no doubt been strengthened. The county meetings in Scotland were not less true, that the people wanted a full, ample, and efficient representation, instead of the existing, which was marked by absurdity and injustice [H.

Lord *A. Hamilton*, in relation to observe, that the noble lord who were not represented in every other respect, similar to many of England, who were in parliament.

The previous question being put, the House resolved in favour of the first resolution, the House of Commons (117; Noes, 152; Majority, 35). Lord *A. Hamilton's* motion, the announcement of the number of the members, with loud cheers from the benches.

*List of the Members*

Abercromby, hon. J.	Bis
Althorp, visc.	Bo
Anson, hon. H. G.	Brow
Baring, H.	Buxie
Barnard, visc.	Caler
Belgrave, visc.	Caler
Bennet, hon. H. G.	Calve
Bentinck, lord W.	Carte
Benyon, B.	Cave
Bernal, R.	Cave



Corbett, P.	Newport, sir J.
Chaloner, R.	Normanby, visc.
Clifton, visc.	Nugent, lord
Colburne, sir N. W. R.	O'Callaghan, J.
Creevey, Thos.	Ord, W.
Crompton, S.	Palmer, C.
Cradock, col.	Palmer, C. F.
Davies, S.	Pares, Tho.
Denison, W. J.	Pelham, J. C.
Denman, Thos.	Powlett, hon. J. F.
Duncannon, visc.	Poyntz, W. S.
Ebrington, visc.	Ramsden, J. C.
Ellice, E.	Rice, T. S.
Ellis, G. J. W. A.	Ricardo, D.
Evans, W.	Ridley, sir M. W.
Fergusson, sir R.	Robarts, A. W.
Folkestone, visc.	Robarts, G. J.
Frankland, R.	Rumbold, C. E.
Glenorchy, visc.	Russell, Lord J.
Grant, J. P.	Russell, R. G.
Grattan, J.	Robinson, sir G.
Grenfell, P.	Scarlett, J.
Guise, sir B. W.	Scott, James
Gurney, Hudson	Sefton, earl of
Heathcote, G. S.	Smith, J.
Heron, sir R.	Smith, hon. R.
Hobhouse, J. C.	Smith, W.
Hutchinson, hon. C. H.	Smith, R.
Hume, J.	Stanley, lord
Hurst, Robert	Stewart, W. (Tyrone)
James, Wm.	Sykes, D.
Jervoise, G. P.	Talbot, R. W.
King, sir J. D.	Taylor, M. A.
Kemp, J.	Tennyson, C.
Langston, J. H.	Tierney, G.
Lawley, F.	Titchfield, marq. of
Leader, W.	Townshend, lord C.
Lennard, T. B.	Tulk, C. A.
Lushington, S.	Webb, Ed.
Maberly, J.	Whitbread, S. C.
Maberly, W. L.	White, L.
Mackintosh, sir J.	White, col.
Marjoribanks, S.	Whitmore, W. W.
Marryat, J.	Williams, John
Martin, J.	Williams, W.
Maxwell, J.	Wood, M.
Milbank, M.	
Milton, visc.	TELLERS.
Moore, P.	Hamilton, lord A.
Mostyn, sir T.	Kennedy, T. F.
Neville, hon. R.	
Newman, R. W.	PAIRED OFF.
	Knight, R.

The previous question was then put on the 2nd, 3rd, and 4th resolution, and negatived. The last resolution was then put and negatived.

Lord *Milton* said, he could not help expressing a hope, that the result of the division which had just taken place would be well considered by the whole country; and that in it the inhabitants of Scotland, who take an interest in the state of their representation, would see a much nearer prospect of their wishes being accomplished than some gentlemen who spoke

in the early part of the evening anticipated.

Sir *J. Sebright* could not omit opportunity of stating, that he had tentatively locked out during the day. Had he been in his place, he should have thought himself unworthy of taking part in the House, if he had not voted for the motion.

SHERIFF OF DUBLIN.] Mr *Liams* rose, in the absence of his friend the member for Westminster (F. Burdett), to give notice, that on Thursday the 12th instant, that the House would submit certain resolutions relative to the late election into the conduct of the Sheriff of Dublin.

SALE OF GAME BILL.] Lord *Lorne*, on moving the second reading of this bill, observed, that the details of the measure would be best discussed in committee, and respecting them he therefore reserve himself until they arrived. Against the principle of the bill he was sure he was not aware that many objections could be made. He referred to the evidence given before the committee, which showed the great quantity of game that was annually disposed of in the markets. The object of the bill was to take that supply out of the hands of poachers, and place it in those of dealers.

Sir *John Shelley* objected that that it would not only increase the number of poachers, and add to the depredation of the lower class, but would tend also to the entire annihilation of the game. He much doubted whether the bill would increase the sale of game, and observed on the great difficulty would be in keeping the market well and fully supplied, as it was supposed that every gentleman would dispose of his game. He much doubted whether the fair trader would be able to do it, as it was said, to undersell the poacher. How should he, when the latter was selling at a price which the former paid for? He referred to the honourable members to whom he had known the story of the rival brokers. The one asked the other how he could afford to undersell him, since he was selling his own materials. "Why," replied the other, "I steal mine ready made." In principle, he was persuaded that no man would not be able to com-

the poacher. The bill would take away the odium of selling game, and increase thereby the number of poachers; for every farmer's son and small tradesman would fall into their ranks, and the difficulty of convicting a poacher would be increased in the same proportion as their numbers increased, sheltered as they would be by the licenses to be granted. He declared that he looked upon field sports as a part of the political institutions of the country, which this bill would have a direct tendency to destroy. He could not approve of a law which went to alter the good old habits of the country, and induce gentlemen to sell that for a paltry consideration in money, which, as it was now disposed of, gave equal gratification to the donor and the receiver. He would therefore move, by way of amendment, that the bill be read a second time on the 1st of September next.

Lord *Deerhurst* seconded the amendment. The bill, in his opinion, would increase the number of poachers by as many as there were idle men to be found in each parish in the country. He insisted strongly on the policy of encouraging country gentlemen to live on their estates, by securing to them the amusements to which they were accustomed. Legalizing the sale would have the effect of destroying the game. He would, therefore, resist the bill upon that principle, though he was willing to vote for the correction of the game laws in any salutary way.

Mr. *W. Peel* objected to the bill, which, if passed into a law, would confine the possession of game to persons occupying large tracts of country.

Mr. *Poyntz* said, he could not agree with those who thought that the passing of the bill would decrease the quantity of game or increase the number of poachers. The offence of poaching had been carried to a great extent of late years, in consequence of the miserable pittance which labourers had been accustomed to receive for their labour. That class of persons had preferred poaching to being employed for a few shillings a week in breaking stones on the highways. One reason which would induce him to vote for the present bill, was the severity, he might say the unconstitutional severity, of the existing game laws, which rendered it, in many instances, impossible for magistrates to enforce them. He thought, also, that respectable tradesmen, who possessed the pecuniary means of regaling their friends

with game, should be legal right of so doing. might be made in the present, must be for the

Mr. *S. Whitbread* wanted the laws respecting game amended. He saw that poaching had grown with strengthened with the very laws which were intention of suppressing under their present severity grace to the national great cause of the demoralized poorer classes.

Mr. *Brougham* said, what had fallen from his spoke last, and from the Chichester, respecting the game laws. He felt as possibly could do, not a c tion, but an abhorrence and its principles—if any unprincipled could be so. Any thing which was calculated to aggravate the evils of that system, he hail with the greatest satisfaction. A specific measure being his adoption, he was bound, for instance, to inquire—again in all that had been said in the old system—whether it was intended as a substitute was likely to produce was expected therefrom. when he looked at the bill, he might approve of the principle, it proceeded, and what humanity he might give to those who had brought it forward, nothing in it which entitled him to benefit of a doubt in his mind. Whether he should support it, gentlemen know what they give their approbation to. He knew what the bill was? persons led away by the cry of to abolish the game laws? were, to them he would would not abolish the game this bill. They were, in preserve the worst parts. Some gentlemen, perhaps, by the cry of “let us legalize game.” But would that be a bill? No such thing. those who were so anxious should pass, what they would fold to give their sanction. objections to the present

laws, and a most just one he considered it, was the monopoly which they gave to landholders, to the exclusion of those who were not landholders or proprietors of freeholds to the value of 100*l.*, or leaseholders to the value of 150*l.* per annum. The bill before the House maintained the land-owners in possession of all their former monopolies, and gave them a new one in addition; by declaring that they alone should have the right to sell game. It was not enough that they alone should be allowed to kill game, but it must be proposed to make them also the exclusive traffickers in it. Were magistrates at present too much divested of power and patronage? Those who thought so, would do right to vote for the present bill; for it would increase the patronage of justices of the peace. It provided, that no person should buy a single head of game, unless he obtained a license from a magistrate at petty sessions. That was one of the greatest objections to the measure in his mind. If another bill should be brought in to legalize the sale of game, by making it private property absolutely, and declaring every man to be the owner of the game which was bred and nurtured on his own ground, he should know how to deal with it. Such a bill might be liable to objection on many grounds; but it at least would be free from the objection which he had to the present measure; namely, that it was inconsistent with its own principles. Being of opinion that the bill under the consideration of the House was radically defective, fundamentally improper, and inconsistent with itself, he felt himself bound—opposing still the present system of the game laws—to vote against it.

Mr. *S. Wortley* expressed himself anxious that some change should be made in the game laws, the first step to which was to legalise the selling of game. No man could doubt but that the markets were abundantly supplied at present; and the effect of the existing law was, to throw that supply into the hands of poachers. He did not mean to contend that poaching would be put an end to by the measure before the House, or by any measure that could be devised; but it was reasonable to expect, that as the risk increased, and the temptation diminished, poaching would diminish also. As to the qualification to kill game, the sooner it was placed upon the system which prevailed in Scotland the better it would be for the country.

Mr. Secretary *Peel* said, he advocated for the present measure he would allow that he was prepossessed against it. He did not imagine that the power of granting licenses for retailing game was given to magistrates for the purpose of patronage only because there were no other hands in whose hands that power could be fitly placed. The introduction of a legal proprietor into the market *pro tanto* have the effect of preventing the illegal sale of game. For these reasons he should support the bill; not as a measure that could be devised, but as it went some way towards correcting the defects of the present system.

Mr. *Tennyson* supported the measure in a speech which was interrupted in the gallery, in consequence of his impatience in the House for the question.

Sir *T. Ackland* rose amidst cries of "question." He expressed his sorrow, that the learned member for *Winchelsea* could not give his support to this bill. He trusted, however, that the learned gentleman would not oppose the measure at its present stage, but would wait to see its details after it came before the committee. If he did not prove of the bill, he could reject it at the third reading. The existing law was bad, that if the house allowed it to continue for another twelve months it would be giving its sanction to a crime and bloodshed.

The House divided: For the bill 82. Against it 60. Majority 22. The bill was then read a second time.

## HOUSE OF LORDS

*Tuesday, June 3.*

FOREIGN WOOL.] The Earl of *Wood* presented two petitions from woollen manufacturers of *Leeds* and *Darfield* against the duties on wool, and observed on the iniquity and injustice of the duties in question.

The Earl of *Liverpool* said, that twenty years ago a duty was laid on foreign wool and it was then predicted that it would not be productive; but the contrary has happened, the fact, the duties having risen from 250,000*l.* to 400,000*l.* per annum was the state of the question as it related to revenue. But had any injury been sustained by the woollen manufacturers, their lordships would find it to their turn on the table, that the ex-

had increased. He admitted that, with respect to some parts of Europe, that was not the case; but it was very doubtful whether that could be imputed to the operation of this tax, or whether it did not arise from those causes which had affected the agriculture of the rest of Europe as well as our own. The question then stood thus: with respect to revenue, the tax was productive; while, as it regarded manufactures, it was not injurious. As to the justice of the tax, he would only say that he was willing to give up all the advantage of the 400,000*l.* a year to the revenue provided the manufacturers would agree to the free exportation of wool; but so long as they objected to the one, he should not feel justified in giving up the other. He thought this no more than fair as it regarded the interests of agriculture. The manufacturers had been made fully acquainted with the views of government, and, under the present circumstances, he did not feel justified in supporting the prayer of their petition.

Ordered to lie on the table.

#### MARRIAGE ACT AMENDMENT BILL.]

On the order of the day for going into a committee on this bill,

The Earl of *Westmorland* rose to move, that it be an instruction to the committee to leave out the clause relative to the voidability of marriages. He did not object to the principle of that clause with any view of lessening parental authority, nor with any desire to take away from minors the protection which it was calculated to afford them; but he opposed it, because it was entirely nugatory, so far as regarded the ends proposed. He objected to it also because it was an alteration of the law of the land, without necessity. The alteration at the time of lord Hardwicke's bill being brought in was necessary, as there was a grievance then to be redressed; but he had heard of none now existing. He objected to the measure on moral, religious, and legal grounds; and also because it was nugatory and inoperative to any beneficial purpose. The noble earl argued the question at some length, on the grounds he had stated, and particularly dwelt on the legal difficulties arising out of the clause, as respected the consent of the parents or guardians. If the mother were not a widow, though professing to be one; or if the guardian were not duly appointed, the marriage would be invalid. If there

were only one witness by the act of Charles then the guardian was needed, and the marriage would be void. He would ask, was to be the husband during this term of the person of the woman have marital rights over him? Could he buy, sell, or re-

The *Lord Chancellor* said it was competent to the committee to move an instruction to leave out a clause. He gave no instance of it. It was an occurrence to move instructions to insert clauses. It was competent to the noble lord to leave out a clause, or to insert the same right, and it was the duty of the committee that the house would not be a committee.

The Earl of *Westmorland* was out of order, he was not in the right by opposing the committee on the bill. If the committee allowed stock to be a trustee allowed an estate of, under the authority *de facto*, were they to do this? This was a very serious question; and if money were the security of such property, a person, however learned in the law, might state what would be the result. That the clause would be good for good purposes would be the answer. Their lordships recollected steam boats to Scotland and that a secret marriage might easily be effected. If the person were to be legally married, he would have to do but to be married and to have the possession of the wife, and might take her with him. This clause, in its operation, compared to offences against the law. Now, in cases of high treason, the sentence of the sovereign could not be reversed; but the penalties were irrevocable.

The House resolved itself into a committee, on the clause for the amendment of the act relating to the bishop, with the consent of the incumbent, to authorise the bishop to authorise of bans in any public chapel.

The Bishop of *Chester* said that the necessity of the consent of the incumbent, would render the clause inoperative.



Lord *Dickens* said, that while they considered the law as to marriages in Scotland and on the continent in its present state, any provision, either for the nullity or the validity of marriages, would be nugatory. Their lordships knew perfectly well, that it was more easy to effect a marriage by illegal bans, than by license. But, while they left open to those, who might be inclined to make the experiment, the easiest way of effecting improper marriages, they, by this clause, shut a door through which no human being in his senses would think of passing. This was the most absurd principle of legislation he had ever heard of. He wished to know from the right rev. bench, whether they did, or did not, believe that the moment a marriage was solemnized, a religious contract was entered into? If it was a religious contract, had that House the power of dissolving it? Could they give a power to a third person—a power which might be exercised from motives of avarice or caprice—to put an end to that contract, after it had existed for a certain period? They ought to be aware of inculcating the opinion, that marriage was not a religious contract. If that principle were once removed, there would be little protection for the purity of marriage, and that purity appeared to him to be the best foundation of private happiness and of public liberty. He hoped their lordships would not grant the support to this clause which was called for by the right rev. prelate, who would himself, perhaps, on a few hours more reflection, regret that he had pressed it on the House.

The Bishop of *London* contended, that this clause was perfectly consistent with the principles of morality. He had hoped that charges of this nature would have been abandoned, and that the argument would have been allowed to rest on the expediency of such an enactment. It was asserted, that the clause was contrary to the principles of morality and to the revealed word of God—that it was an infraction of our blessed Saviour's injunction, "Those whom God has joined together, let no man put asunder." This, however, was a false view of the case. It was not a question, whether the authority should be so

as to dissolve a contract entered into by the parties, and whether that authority should be exercised. He

wherever it was formed; and intended to distinguish between lawful marriage and illicit concubinage. His notion of the marriage ceremony was, that it was founded on the agreement of persons capable of entering into that union on the terms prescribed by the law of the country. Now, whether those terms were few or many, if they were truly complied with, he then apprehended that the union took place which was formed under the divine authority. Let the marriage ceremony be ever so simple, let it be merely a religious ceremony, he held, that a marriage under it was as valid as it could be made by any addition whatever. But, if other terms were enacted by law, the mere religious ceremony was not sufficient. The law said, the marriage was not complete, except it was solemnized in a church; and not even then, except by license or publication of bans. On these grounds, he thought it must be acknowledged, that the law was not completed by the performance of the mere ceremony, so long as any thing else was required. Another point was, the incapacity of persons to marry until a certain age. In all civilized countries, minors laboured under a certain degree of incapacity. They were not suffered to marry without the concurrence of their guardians by nature. They did not allow the minor in this country to contract a debt without the consent of his parent or guardian; and surely, in a case which involved his happiness, his virtue, and his fortune, it would be inconsistent to give him that power which was refused in matters of much less importance. On these grounds he would support the clause.

Lord *Sidmouth* said, he felt himself bound in justice and honour, as one of the committee, to declare that he entirely concurred in the arguments advanced in support of the clause. He admitted that the portion of scripture which was introduced into the marriage service imposed a religious obligation on the parties. But he thought it would be impious to declare those marriages to be the act of God, which had been effected by the parties, and which brought about the dissolution of the

pride, and disappointed avarice: on the other side, the ruin and degradation of an innocent female, and the bastardizing of her children. Could these considerations be placed in fair opposition? Could the House pause in deciding on which side the greater moral evil would be suffered, or hesitate to reject the clause which would produce it? It was with surprise and concern he had seen this clause, which last year had been discussed at so great length, become again the subject of a debate. This vacillation in the legislature he could not think creditable to the House, nor beneficial to the morals of the people. Could there, he would ask, be a greater anomaly than that the marriages of minors by bans should be valid, and their marriages by licence not valid? For these reasons, and for many others, he must say, in the emphatic language of Scripture, "Those whom God hath joined together, let no man put asunder."

The *Lord Chancellor* observed, that if the doctrine laid down by the right rev. prelate could be supported, the House would have nothing to debate upon. But the question was not whether man should put asunder those whom God had joined, but whether God had joined them. Now, unless he had mistaken the whole tenure of the Old and New Testament, there was nothing contained in them which could be taken to prevent national societies from prescribing the forms by which marriages should be held good. If it were otherwise, there was not a nation on earth, since the Christian era, which had not concurred in this profane practice which the right rev. prelate denounced. He did not mean to give any opinion with respect to the clause itself; but he had thought it right to say thus much on the doctrine which the right rev. prelate had laid down. Every noble lord who had spoken on this subject, had said something of the tenderness with which the interests of females should be regarded in the bill now before the House. He had no sort of objection to this, but he wished that some care should also be extended to the males. It happened to him, in the discharge of his judicial functions, to see frequent instances of the necessity of this provision. In one of recent occurrence, the daughter of a bricklayer, a woman 32 years of age, with several illegitimate children, had prevailed upon

a youth of 17, of high family and rank, to marry her. He should like to know what their lordships would do with a case like this. But, if the doctrine of the right rev. prelate were correct, they were legislating on a question, upon which they had no right to legislate.

The Earl of *Liverpool* said, he entertained now the same opinion as that which he had expressed last year; namely, that it was inexpedient to suffer the dissolution of marriages which had been once contracted. He was quite ready to admit, that marriage was an institution of God; but he knew also, that every nation had decided the forms and modes by which that institution should be kept up, and that the institution would in itself become nugatory, if a compliance with those prescribed forms and modes should not be enforced. The preceding clauses of the bill, which had not been objected to, also recognized this principle. With respect to the forms, he was ready to say, that in a choice between those which were too easy or too difficult, he should not hesitate to prefer those which were too easy. In the first place, he objected to the principle of the clause altogether, even if its object were right; because there were two ways of accomplishing it—the first by nullity, and the other by voidability, both of which principles were of directly opposite natures. Although nullity was sufficiently objectionable, it was less so in principle than voidability. It was easy to see how the present clause had originated. The House had both these difficulties before them: they resorted to this clause by way of compromise; and, as usually happened, the compromise was more of a real difficulty than the other two. If *de facto* a marriage did take place, and the parties coming to the altar had made the vows there tendered to them falsely and knowingly, the marriage was null and void. But, the most preposterous part of the proposed law was, that if you asked the parties one month afterwards whether they were married, they would be compelled to answer, "We don't know; for the validity of our marriage depends upon the act of a third party, over whose proceedings we have no control." It was inconceivable to his mind, how such a state of things could be compatible with the principles of the law. He knew that, in some cases, there must be a nullity; but

The Archbishop of *Canterbury* defended the clause, as necessary to the preservation of the rights of the patron and incumbent.

The clause was agreed to without amendment.

The clause relating to the "voidability of marriages" being read,

The Archbishop of *York* said, that the marriage contract was a solemn obligation made in the sight of God, and therefore ought not to be dissolved for any involuntary error which the parties might have made. The marriage ceremony called upon the parties to declare whether any lawful impediment existed to their union. On the sincerity with which they made this declaration, the legality of their marriage ought, in a religious point of view, to depend. To a marriage so solemnized, the words of our Saviour must apply—"Those whom God has joined, let no man put asunder." In his opinion, therefore, this declaration having been made by the parties, there could be no impediment, except a previous contract and affinity within the prohibited degrees, which ought to effect a dissolution of their marriage. Applying this principle, then, to the clause before the House, he objected to the *bonâ fide* marriages of minors being dissoluble for any other reasons. His objection was not only founded upon religious grounds, but upon the injurious effects which it must produce upon the morals of the people, by enabling dissolute minors to effect the purposes of seduction under the cloak of religion. This clause bore with peculiar hardship upon females; he could indeed see no circumstances under which the parent of a woman so married, ought to wish to have the marriage annulled. He besought their lordships to consider, when the intentions of the parties had been honourable and just, what their feelings must be during the twelve long months which must elapse before they could be assured that the union upon which they had staked all their hope of happiness, should be a lasting one. Nevertheless, he was so well aware of the evils which ensued to families from the inconsiderate marriages of minors, that he would willingly support any measure, the object of which should be to prevent them, short of the dissolution of *bonâ fide* marriages. Recollecting that, while the power of solemnizing marriages by bans remained, and that such marriages being

indissoluble, this clause could not have a very extensive effect, feeling the weight of the objection which he had now submitted, he gave his decided opposition to the clause.

The Bishop of *Chester* declared his intention of opposing the clause. Marriage was a religious and a civil contract. It was religious, because the parties swore before God to keep the covenant between them made, to the end of their lives. On this subject the customs of all countries, in all times, had been substantially the same. A marriage contract it was of the highest importance. It was evident that God, in his wisdom and happiness of his creatures, had instituted the institution of marriage. The will of the Deity had expressly spoken, and obedience was the duty of man. Where his commands had not been, it was competent for man to make laws. Upon this principle rested the validity of all laws, and among others, those relating to marriage. He could not consider the clause before the House as contrary to the Christian code. The Divine legislature directed, that a man shall leave father and mother, and be united unto his wife, and they twain shall be one flesh." It was impossible to make the clause more explicit. He also, "what, therefore, God has joined together, let not man put asunder." God had enjoined that wives should be put away, save for adultery. Taken then, all these texts together, it was obvious that the law of man ought to be made agreeable to the express command of God. Marriages were at present solemnized by the law of God, and by the law of man. It was worse than a misnomer to say that a man might be married without the sanctities which religion conferred upon the contract,—that, after the manner of the gospel had pronounced, a man married in the name of the Father, Son, and the Holy Ghost, the parents should undo so solemn a pact. The laws of man might be made to conform to the laws of God could never be so. This argument weighed upon the House with a force compared to which, the other considerations appeared insignificant. Their lordships next proceeded to the subject in a merely moral point of view, they would see on one side the wounded feelings of a parent—on the other, truth, often only feelings of

pride, and disappointed avarice: on the other side, the ruin and degradation of an innocent female, and the bastardizing of her children. Could these considerations be placed in fair opposition? Could the House pause in deciding on which side the greater moral evil would be suffered, or hesitate to reject the clause which would produce it? It was with surprise and concern he had seen this clause, which last year had been discussed at so great length, become again the subject of a debate. This vacillation in the legislature he could not think creditable to the House, nor beneficial to the morals of the people. Could there, he would ask, be a greater anomaly than that the marriages of minors by bans should be valid, and their marriages by licence not valid? For these reasons, and for many others, he must say, in the emphatic language of Scripture, "Those whom God hath joined together, let no man put asunder."

The *Lord Chancellor* observed, that if the doctrine laid down by the right rev. prelate could be supported, the House would have nothing to debate upon. But the question was not whether man should put asunder those whom God had joined, but whether God had joined them. Now, unless he had mistaken the whole tenure of the Old and New Testament, there was nothing contained in them which could be taken to prevent national societies from prescribing the forms by which marriages should be held good. If it were otherwise, there was not a nation on earth, since the Christian era, which had not concurred in this profane practice which the right rev. prelate denounced. He did not mean to give any opinion with respect to the clause itself; but he had thought it right to say thus much on the doctrine which the right rev. prelate had laid down. Every noble lord who had spoken on this subject, had said something of the tenderness with which the interests of females should be regarded in the bill now before the House. He had no sort of objection to this, but he wished that some care should also be extended to the males. It happened to him, in the discharge of his judicial functions, to see frequent instances of the necessity of this provision. In one of recent occurrence, the daughter of a bricklayer, a woman 32 years of age, with several illegitimate children, had prevailed upon

a youth of 17, of high to marry her. He showed what their lordships would like this. But, if the right rev. prelate were legislating on a question they had no right to legislate on.

The Earl of *Liverpool* maintained now the same which he had expressed namely, that it was in the dissolution of marriage once contracted. ready to admit, that institution of God; but that every nation had different and modes by which should be kept up, and dissolution would in itself become a compliance with those and modes should not be preceding clauses of the not been objected to, this principle. With forms, he was ready to choose between those easy or too difficult, hesitate to prefer those easy. In the first place, the principle of the clause if its object were right were two ways of accomplishing first by nullity, and the ability, both of which produced directly opposite results nullity was sufficiently was less so in principle. It was easy to see how it had originated. The Earl had these difficulties before sorted to this clause by promise; and, as usually compromise was more of than the other two. If marriage did take place, coming to the altar had there tendered to them faintly, the marriage was But, the most preposterous proposed law was, that if parties one month after they were married, they were compelled to answer, "We do not doubt the validity of our marriage, but the act of a third party, overruling us, has rendered it void." It was conceivable to his mind, how things could be compared principles of the law. In some cases, there must be



Lord *Ellenborough* said, that while they left the law as to marriages in Scotland and on the continent in its present state, any provision, either for the nullity or the voidability of marriages, would be nugatory. Their lordships knew perfectly well, that it was more easy to effect a marriage by illegal bans, than by license. But, while they left open to those, who might be inclined to make the experiment, the easiest way of effecting improper marriages, they, by this clause, shut a door through which no human being in his senses would think of passing. This was the most absurd principle of legislation he had ever heard of. He wished to know from the right rev. bench; whether they did, or did not, believe that the moment a marriage was solemnized, a religious contract was entered into? If it was a religious contract, had that House the power of dissolving it? Could they give a power to a third person—a power which might be exercised from motives of avarice or caprice—to put an end to that contract, after it had existed for a certain period? They ought to be aware of inculcating the opinion, that marriage was not a religious contract. If that principle were once removed, there would be little protection for the purity of marriage, and that purity appeared to him to be the best foundation of private happiness and of public liberty. He hoped their lordships would not grant the support to this clause which was called for by the right rev. prelate, who would himself, perhaps, on a few hours more reflection, regret that he had pressed it on the House.

The Bishop of *London* contended, that this clause was perfectly consistent with the principles of morality. He had hoped that charges of this nature would have been abandoned, and that the argument would have been allowed to rest on the expediency of such an enactment. It was asserted, that the clause was contrary to the principles of morality and to the revealed word of God—that it was an infraction of our blessed Saviour's injunction, "Those whom God has joined together, let no man put asunder." This, however, was a false view of the case. It was not a question, whether any human authority should be so rash and impious as to disturb a contract which had received the divine sanction; but what constituted that union, and whether it was religious or civil? He conceived that union to be at once religious and civil,

wherever it was formed; and to distinguish between lawful marriage and illicit concubinage. His notion of marriage ceremony was, that it was founded on the agreement of the parties capable of entering into that union on terms prescribed by the law of the country. Now, whether those terms were few or many, if they were truly religious, with, he then apprehended that the ceremony took place which was formed by divine authority. Let the marriage ceremony be ever so simple, let it be a religious ceremony, he held that marriage under it was as valid as if made by any addition whatever. If other terms were enacted but the mere religious ceremony was essential. The law said, the marriage was complete, except it was solemnized in church; and not even then, without license or publication of bans. On these grounds, he thought it must be acknowledged, that the law was not altered by the performance of the marriage ceremony, so long as any thing else was required. Another point was, that the liberty of persons to marry until the age of majority. In all civilized countries, persons laboured under a certain degree of incapacity. They were not suffered to marry without the concurrence of their parents or guardians by nature. They did not marry in this country to contract without the consent of his parents or guardian; and surely, in a case which affected his happiness, his virtue, and his health, it would be inconsistent to give a power which was refused in cases of much less importance. On these grounds, he would support the clause.

Lord *Sidmouth* said, he felt bound in justice and honour, as a member of the committee, to declare that he encountered in the arguments advanced in support of the clause. He admitted that a portion of scripture which was introduced into the marriage service imposed a religious obligation on the parties, but he thought it would be impious to suppose that those marriages to be the act of God which had been effected by fraud, perjury, and brought about by a direct contradiction of the law of God and man.

Lord *Ellenborough* said, that their lordships were about to go to the vote, he begged of them to recollect that no attempt had been made to show that the clause in question was not contrary

spirit of Christianity ; that no attempt had been made to shew that it was not a most inexpedient clause ; that no attempt had been made to shew that it would not be totally nugatory whenever a wish existed to evade it ; and that no attempt had been made to shew, that whenever it was called into action, it would not be by a person who was originally anxious to have the semblance of a marriage and not a legal one.

Lord *Stowell* said, that in all cases of this kind, they ought to consider how they could best legislate for the protection of the younger branches of the community. It was of the greatest importance, where marriages were about to be formed, that the utmost caution should be used. Formerly it was assumed, in all cases, that the consent of parents or guardians had been granted to those about to enter into the state of matrimony, although, in point of fact, little more was deemed necessary than the consent of the two parties themselves. In this state the matter continued for a long series of years, and that rule survived the Reformation. But soon after, the attention of the reformers was called to the propriety of strengthening the parental authority. The doctrine was then expressly promulgated, that where marriages were contracted without the consent of parents, they should be totally null and void, as was laid down in the "*Reformatio Legum*." Thus the law remained till the time of lord Hardwicke, when the disturbances in society, from the want of an efficient marriage law, induced him to turn his serious attention to the subject. His act was superseded by that which had been passed last year, and it was found necessary, in consequence of the inconveniences experienced under that measure, to reconsider the subject. The committee, in turning their attention to it, found there were only four possible ways in which the authority of the parent could be secured. The first was that of nullity. He was charged with having, on this occasion, supported voidability in opposition to his former declaration on the subject. Now, he would say, that nullity in point of principle, appeared to him, up to the present moment, to be perfectly correct. But the general opinion was, that nullity was a monster against which every rational man ought to take alarm ; and therefore it was abandoned. Another mode had been suggested by a noble and learned person—that of a remedy by a preventive measure. If he thought a preventive

measure could succeed, he would consider that to be a very advisable one, but, on principle, he knew it would not succeed. The experiment had been tried, and it had totally failed. The number of marriages had so increased under that preventive system, that the realization of the country was a serious issue. This was felt by the public, and, the very first day of the session, a bill was started on the part of the two Houses of Parliament, which threatened to jostle each other in a contest of competition. The question was referred to a committee of the House of Commons for the purpose of deciding whether it should be recommended to the House for the purpose of being enacted. The committee, as he had before said, had considered four ways in which parental authority could be secured ;—first, by nullity, secondly, by voidability, a preventive measure, and thirdly, by doing of that which was objectionable, throwing the power into the hands of the neck of youth, at a period when passion always outran prudence. The first had been frequently, but vainly, tried, and preventive measures had proved their operation very unsatisfactory in the latter and only remaining mode. A medium between the entire abolition of parental authority on the one hand, and the entire voidability on the other, was proposed by the committee, and was by no means objectionable to the objections against the principle of licensing marriages. They thought it was one which should be submitted to the consideration of the House of Commons, in preference to the entire abolition of parental authority on this ground that they had introduced it into the bill which they had then under the notice of their House. In respect to the operation of the measure, security had been said to be wanting in a neighbouring kingdom, he understood that persons of high legal authority and experience in that country, had in truth there produced the destructive effects, which were one of the noble lords who had spoken on the subject. He thought there protected with respect in the same way, and for the same purposes, that it was in England and other kingdom, indeed, a distinction, as between peer and rank and fortunes ; but the principle which the committee had proposed was it desirable to adopt in

which they now submitted, it being considered much more expedient that with us the law of marriage should be uniform and universal, than that there should be one law for the rich, and another for the poor. The committee had therefore brought forward this clause, involving, as it did, a principle which they were well aware might be open to much reasonable objection, but which they conceived to be the best, seeing that nullity was sure of rejection, and that preventive measures were, generally speaking, inapplicable. It had been said, that the object of this clause might be so worded as to render the clause nugatory; and that, therefore, their lordships ought not to adopt it. But the same observation might, on some ground or other, be applied to any other clause that it was possible to suggest. It could not be otherwise in the nature of things; and if this common liability were to be taken as ground of valid objection, it would be ridiculous for their lordships to attempt to legislate at all in the matter. They might spare themselves the labour of devising such remedies, if every remedy proposed was to be defeated on the principle, that it was possible contrivances might be framed which should evade its operation.—It had been argued that this clause would operate principally for the benefit of the male, and would bear hard upon the female portion of the community; and their lordships had been told, that the cases, against the recurrence of which they were called upon to provide, were much more numerous on the female side than on the male. Now, he confessed that his own professional experience had by no means led him to such a conclusion. As far as that experience went, it had rather been his fate to see the misery of families occasioned by sons, the hopes of those families, who had ruined themselves and had blasted those hopes, by the most disgraceful connexions. Their own happiness, not less than that of their families, had been destroyed for life. He contended, therefore, that disgraceful marriages much oftener happened among our young male, than among our female population. And this was very natural. The education of young women was much more correct and guarded than that of young men. The former were, for a considerable portion of their lives, under the vigilant superintendence of their parents or families; and, added to these restraints, the natural delicacy of their sex scarcely

permitted them to be exposed to the same sort of dangers as young men were sooner removed from the eye of their parents, but, left to themselves, pursued their own course, and followed their own counsels. They were sent earlier in life, and from the earliest transferred to public schools, and afterwards to great cities, where they could not so entirely be under the eye of their parents, but, left to themselves, pursued their own course, and followed their own counsels. They were neither so much under parental tendence, nor had so much the benefit of the wise counsels as their sisters had. They were, therefore, that, yielding to their own inclinations, they should form early attachments, they entertained such attachments, and should more frequently gratify them, and so improvident marriages. The consequences the most fatal had anticipated from its adoption. It was at least an experiment worth to be tried. In framing the clause the committee had proceeded with deliberation and with the best intentions, and he was indeed sorry indeed he should be if the intentions should be so singularly unfortunate as to lead to results so and overwhelming as those which were deprecated by the right reverend and the noble lord.

Their lordships then divided on the clause: Contents 22, Not-Contents 18. Majority against the clause 6.

#### HOUSE OF COMMONS *Tuesday, June 8.*

CONDUCT OF THE LORD ADVOCATE OF SCOTLAND IN THE CASE OF BORTHWICK.] Mr. *Abercrombie* was extremely glad that the period length arrived when he should not only to redeem the pledge he had given to that House and to the people of Scotland, but also to comply with the laudable desire expressed by the noble lord opposite, to have a question in which he thought the conduct of that learned lord was implicated. After the manner in which he had been goaded to the performance of the task which he had undertaken—after the manner in which he had been calumniated, and, with a perfect knowledge of the truth of what he was saying, he would say, officially calum-

Scotland—if he were now to shrink from the performance of his duty, it might be supposed he did so from unworthy motives. He felt that he owed no apology to the learned lord for bringing forward the question; but, he felt that he did owe some explanation of the circumstances which compelled him to introduce it at so late a period of the session. It was not attributable to any reluctance on his part that the motion with which he intended to conclude had not been made at a much earlier period; but he had been compelled to delay it, in consequence of the tardy production of papers which had been ordered to be laid before the House, and which were necessary to the right understanding of the case, and the vindication of the learned lord opposite. The inquiry into the conduct of the sheriff of Dublin had also been the means of retarding his motion. Having given this explanation, which he considered necessary, he would proceed to state his case as concisely as possible, upon the authority of the papers before the House.

He begged the House would bear in mind, that in Scotland there were no grand juries. The lord advocate, in virtue of his office, might bring whom he pleased to trial, upon his own authority and responsibility. It was true, there was another course open, by which a private individual might prosecute by getting a “concourse” from the lord advocate; but this was attended with so much expense, delay, and uncertainty, that it was very rarely resorted to. It would not be denied to be most important, that the person possessing such great powers as the lord advocate, should uniformly exercise them without any personal bias, or feelings of political consideration. That personal bias had had no influence upon the learned lord in these transactions, he was quite willing to admit; but, looking at the whole of the case, its origin and progress, and the learned lord’s knowledge of both, he could not bring himself to the same conclusion with respect to the influence of political considerations. At the date of these transactions, political party feeling ran very high in Scotland. In his opinion, they had been extended, and very improperly so, to the case out of which the present matter rose. The case was this—a person named William Murray Borthwick had entered into partnership with a person named Alexander. Whilst in partnership, they printed a

paper called “The Cl; but only one number published after the part then commenced the Glasgow Sentinel.” Borthwick wished to recern, and a dissolution took place. The condition were, that the printer should remain that paying to Borthwick the hand, and giving him the each, well secured a twelve months. The sum to Borthwick, but the contract was not performed, instead of the three for 30*l.* each, at six months, Alexander on note for 30*l.* at six months held the other two at months. Upon this an action before the magistrates of Glasgow, who were competent to try the case, he prayed that Alexander should fulfil his contract, or Borthwick might be put in share in the property, and the contract for dissolution was entered into. The case was heard before the magistrates not only by the printed solemn argument. It was in 1821, and on the 14th of a solemn and final decision of the court, which was, that Borthwick should perform his contract within six days from that time, or Borthwick should be put in possession of his property as before. The court saw Borthwick in possession of court in his favour, and should be restored to his property, provided Alexander fulfil his contract within six days elapse, the contract was good, nor is he put into prison, he would ask any man of whether the attempt of Alexander was circumstanced to regain his the authority of a judgment in law, was a fair ground of action against him for a felony? Was it was expected a judge would convict upon? But the witness to show the absence of any felonious intention on the part of Borthwick, in his subsequent getting possession of his pro



select the testimony of Alexander himself, who, in his defence before the magistrates to the first action, stated, "that the defender, so far from refusing to implement the agreement, has already, and at some hazard, in part done so; and he has offered, and is quite ready to perform his part of the rest of it, when he receives the assignation to which he is entitled, both by the terms of the agreement, and at common law. The defender cannot be bound to pay the pursuer's share in a concern, till he receives a valid assignation to that share." The court, however, decided that the giving the bills for the assignment of the share, should be *simul et semel*. This was not the argument of Alexander's counsel, it was his own sworn statement in the case before the magistrates, and afterwards in the accusation against Borthwick for theft.

He felt it necessary to call the attention of the House particularly to these minute parts of the case, because the foundation of his case was, that *ab origine*, there was not a particle of evidence to show a *mala fides* on the part of Borthwick, and of course no ground for the charge of felony. But, suppose the magistrates of Glasgow had mistaken the law in their decision in Borthwick's favour, still the ground of a charge of felony could not exist, because, to support such a charge, some felonious intention must be proved. He had now stated the grounds on which Borthwick had to proceed. He had already mentioned, that the decision in Borthwick's favour was dated Feb. 14th, and that on the 21st he had authority to take possession of his property, if in the interim the terms of the contract were not fulfilled. He did not, however, take possession on that day. In the interim a correspondence took place between the agents of Borthwick and Alexander, the former stating that Borthwick was come from Hamilton to Glasgow, for the purpose of receiving the bills on good security—and executing the assignation, and adding, that unless the settlement was effected, Borthwick must of course forthwith take the alternative of resuming possession. To this Alexander's agents replied, that it was not in Alexander's power to conclude the arrangement that day, but that he would be ready on the ensuing Saturday; and they added, that if this were not complied with, they might be allowed an opportunity of stating to a professional gentleman their reasons

for concluding that the judgment of the court did not become final in se. Here was one of those make-v-law, to which persons circumstances Alexander was, had often reco. it should be remembered, that it ther he nor his agents disputed of Borthwick to enter into p. He fully admitted it in the first and only prayed for the indu some further time; and it wa the supposition that that indulge be refused, that any mention wa a technical objection, as to the ti the decision of the court coul forced. The agreement not being as was expected, Borthwick we premises on the 1st of March, possession. He went in the mor remained the whole of the day retiring at night he took with hi of his desk and room, and exerci right of ownership to which the the court had restored him. Wh ander found that Borthwick h possession, he went to a person a ton, to whom Borthwick had form indebted, and persuaded him to a. He was accordingly arrested on t of the 1st of March, by an offi Hamilton, on an old caption, a debt which it was alleged by B had been paid before. If it we rial to the case, he could prove, the shadow of a doubt, that th fictitious debt, got up for the p defeating the ends of justice, by ing Borthwick from continuing i sion. Borthwick was lodged in the 2nd, and it was thought that not get out except by a *cessio*. He was kept in custody until t when the debt was paid, and he charged. What was his conduct aft This man, who was to be indict felony, went, after having given his intention, and by the advice professional men, to the office "Glasgow Sentinel." With the intention subsequently imputed one might suppose that he had the dead of night to effect his. No such thing. He went at the eight in the morning. He ther the boy employed in sweeping office. His first object was, to at unlock those places of which he the evening of the 1st, taken a keys. He found, however, that would not do, for that the locks l

changed in his absence. What, then, was the conduct of this thief? He sent one of the two witnesses whom he had taken to mark what passed, for a smith to open the doors—a most strange proceeding for a thief—in the presence of all who were on the premises. Before the arrival of the smith, however, he found a key with which he succeeded in opening the locks. He then took away some papers to which he conceived he had a right. This occupied till nine in the morning. If it was said, that this was done with force and violence, and that Alexander had no power to prevent it. Surely, it could not be supposed that in the open day, he could, in a populous city, have failed to procure some assistance. The fact was, there was nothing whatever in the transaction, from first to last, which had any appearance of a theft. It was a difference between two parties. It might, if any one pleased so to term it, be called a riot or a disturbance between those individuals; but there was nothing whatever in it which approached to a felony.—Having now got possession of the papers, what did the alleged thief do? He took a step, one of the last which a man conscious of theft would wittingly take. He went before the magistrates of Glasgow—those who had made the decision in his favour—and complained to them of the obstructions he had met with in carrying their decree into effect. On the next day, Alexander made a charge against Borthwick for the theft, took a warrant out against him, and had him arrested. He was then brought before the magistrates, who, after hearing what the charge was, and the answer of Borthwick, dismissed it, as not having the slightest foundation, and allowed the accused to go at large without even holding him to bail.

Lord *Binning* here asked, in what part of the printed minutes this was to be found?

Mr. *Abercromby* said, this was not mentioned in the printed minutes; but it was a fact too notorious to admit of the slightest doubt. That it was not in the papers before the House, was in some degree his fault; but he had not thought it necessary to select it. However, he presumed no person would deny that the fact was so. Would the learned lord, or the noble lord, deny that the charge of theft was made against Borthwick—that a warrant was issued on that charge—and that, fur-

ther than the hearing of the charge before the magistrates, no place on that warrant?

Lord *Binning* asked charge by the magistrates produced?

Mr. *Abercromby* said, thought it would have been his place to him to reply to any objection. It was clear that Borthwick was before the magistrates, and that the charge was without foundation. It was dismissed, without even holding him to bail. It was clear that he went to Edinburgh soon after the 12th of 17th, it appeared that a warrant was obtained from Mr. Hope against Borthwick at the instance of Alexander. What he sought to establish was what was apparent in all the proceedings, namely, that Mr. Hope placed the proceedings before the magistrates. And here he thought the conduct of the learned lord was blameable, in having all the subsequent proceedings: for he was known the circumstances which passed at Glasgow, or his subsequent prosecution to have been the subject of any inquiry into the circumstances which it arose. In either case, he was guilty of as great a neglect of duty as could well be imagined in executing his office; the question was, did Borthwick exercise the authority of the decree or not? Now, if he did, he believed could be shown what greater neglect of duty could be, than to prosecute him on his conduct on that occasion as a felony?

He now came to the question before Mr. Hope. That it was his opinion, that the papers transmitted by the fiscal of Edinburgh, in recognition commenced at a person of the name of Alexander, entertain no doubt whether the investigation must be completed in Edinburgh, or whether it was of the party stating himself. The petition contains a statement that Borthwick broke open the house of Alexander's, and took away papers belonging to the same, on a charge which, if the

applies, must be taken up at the public instance. At the same time, as the investigation commenced at Glasgow merely with the concurrence of the procurator fiscal, it is better that the precognition here should continue in the same shape in which it began, unless difficulties should be experienced which require the interposition of the procurator fiscal at the public instance. At present, the only matter for consideration is, the information of the complainer, and the evidence already taken. Of the necessity for completing the inquiry there can be no doubt. What defence the accused may be able to make, to take off the effect of the charge, is another point. And whether the case is one which is competent before a criminal court, or to be tried at the public instance, are points which cannot well be understood until the precognition is completed. If the precognition points at other persons than Borthwick, as having carried away the papers, of course the charge is more relevant." He (Mr. Abercromby) did not quarrel with Mr. Hope's opinion on the case; but after this opinion given on it, it was impossible to deny that he was aware of the proceedings at Glasgow. The last sentence of the opinion surprised him not a little. He was utterly at a loss to understand how "other persons than Borthwick," being implicated in carrying away the papers, could, "of course," make the charge "more relevant." Suppose a man had committed murder, could his having associates in the crime make his own guilt more or less? How it could do so in the case of theft he was at a loss to conjecture. By the 29th of March it appeared that other papers had been laid before Mr. Hope, and on that he wrote to the Crown agent to this effect:—"In consequence of the nature of a precognition taken at Glasgow, at the instance of a private party, with the concurrence of the procurator fiscal, against a party of the name of Borthwick, which has been sent to me to read, I beg that you will intimate to Mr. Simpson, the procurator fiscal at Glasgow, that it is the intention at present of the Crown counsel, to take up the case at the public instance, and to direct them to proceed in completing the investigation without any delay, and immediately to open and inventory the papers at Glasgow in presence of the witnesses. Borthwick must be sent for in such a way as to prevent his escape and to hold him to

bail. I wish not a moment to be order that the case may be in the circuit." This was a most point for the consideration of the House. He (Mr. A.) had read the paper which had been submitted to Mr. Hope in the first instance, and also those to which he alluded in his note of the 29th. He did not see any new matter which warranted his taking up the case in a serious light, or render him anxious to hurry it on for trial.

He now came to the first of the interval which had elapsed from the proceedings till the melancholy death of Sir A. Boswell took place. On the 1st of April, the learned lord was made acquainted with the transactions officially connected with the conduct subsequently to that which had rendered him responsible to the House. Indeed, he alone could be properly held to be responsible to parliament on that occasion, as he had the approval of his deputed, and might remain at will. In the last session, he had proposed for a committee to take into consideration the conduct of the learned lord advocate-depute, though at that time it was not without some doubts whether individuals acting as the learned lord's deputed came properly within the jurisdiction of parliament on that point. He was in this difficulty—that the learned lord was absent from Edinburgh when those proceedings commenced. If the learned lord became officially acquainted with them on the 5th of April, he was not satisfied that he knew, and he subsequently sanctioned them, he might have felt some hesitation in bringing his conduct before the house; but what passed subsequently to that time, when the learned lord became acquainted with the facts, he could not have himself justified, if he had not laid it upon the house to pronounce an opinion on his conduct, and on his acquittal. It was true that Mr. Hope avowed in a very manly manner, the share which he had taken in the affair: but, let him stand or fall in public estimation by his conduct; he would call for no opinion of the house upon it. Under all the circumstances, and with the best consideration he could give it, he felt justified in giving the opinion of the house, upon the conduct of the lord advocate only. The learned lord, as he had already observed, became acquainted with the transactions on the 5th of April. On the 3rd

month, Borthwick was arrested at Dundee, on the alleged ground that informations were laid that he was about to proceed to America. The papers before the house were, he was sorry to perceive, quite silent as to the party by whom such information was given. He should like much to know by whom that information was given; for he would undertake to say that it was utterly destitute of any foundation in fact. On being arrested, Borthwick was conveyed in irons to Edinburgh gaol, and on the way was treated with a severity wholly uncalled for. He complained of this on a former occasion; and since then it appeared, from the papers before the house, that the facts he stated were not denied, but the parties concerned asserted, that they used no other coercion than that which was necessary for the security of the prisoner. On his arrival at Edinburgh bail was offered; but the prisoner was informed, that by the directions of Mr. Hope, he could not be admitted to bail, nor be allowed any communication with his counsel or agents, until he had been examined. Now, he would ask the house, whether there were any circumstances in this case which justified such severity?

If he had been accused of murder or robbery, what more severe course could have been adopted, than that which had been pursued towards this unfortunate man? This was on the 5th of April, and he was given to understand that his trial was fixed to take place at Glasgow on the 24th. The 24th arrived, and what did the learned lord do? He deserted the diet *pro loco et tempore*, and of course the trial was not proceeded with. He did not object to the learned lord's adopting that course, because undoubtedly he had the right so to do, if he pleased. It was then intimated to the prisoner by Mr. Hope, that he might be admitted to bail, and that small bail would be taken; but it was the opinion of his counsel, that as he had been arrested by the authority of the lord advocate, and as the prosecutor had only deserted the diet *pro hac vice*, and it was uncertain whether he might not proceed at a future period, it would be more advisable for him not to give bail, but to remain in prison and "run his letters," as it was termed. Borthwick was therefore re-committed to prison.

He now came to the date of the 4th of May—a most important date in these transactions. In a letter which Mr. Hope

had written to him (Mr. Alexander, on the subject, he said, May, not many days after the circuit terminated, Mr. Alexander intimated to the Crown agent to prosecute Borthwick in private prosecution, at that time the prosecution was at the instance of the party alone, and was not under the control, direction, or management of the public prosecutor." On the 4th of May, Mr. Alexander, Crown agent to the following day, was now desired by my client, Alexander, to apply to you for being informed whether it was the intention of the lord advocate to bring Borthwick to trial at his own instance, or not to do so, Mr. Alexander asked him at his own instance, and the words "I am now" had evidently a reference to the parties, but upon which the papers before the house were silent. The note was dated the 6th of May, and the Crown agent stated in it that he had received yours of the 4th, and that he intended to bring W. M. Borthwick to trial at his own instance, and then, there could be no doubt that the public prosecutor had abandoned the prosecution. How, then, did he come to be detained in prison on that date? What he wished to know was this:—that Borthwick should be brought to trial. Did he omit to direct his clerk to do so, under the supposition that it would be the natural course? Did he fail to ascertain, in point of time, whether Borthwick had been discharged, or not? It was really the heaviest charge against the learned lord, that from the time when the counsel for the Crown abandoned the prosecution, he kept Borthwick in prison till the 4th of June, at the instance of the lord advocate, and re-committed him to prison at the instance of Alexander. Let me ask you, whether this change was immaterial, or whether it was a substantial difference in the conduct of the lord advocate, excepting to the lord advocate, and if Borthwick brought an action for wrongful imprisonment, he could only do so against Alexander; and by Alexander



confined from the 4th till the 12th of June. It was important that these facts should be observed:—On the 23d of May, Niven, the agent of Alexander, took the preliminary steps. On the 25th of May, Borthwick was served with a notice of trial at the instance of Alexander; and, on that same day, Mr. Stuart was also served with his notice of trial. In point of fact, there existed this coincidence—that Borthwick for the first time learnt that he was prosecuted at the instance of Alexander on the same day that notice of trial was served upon Mr. Stuart. On the 10th of June, Mr. Stuart was brought to trial; and at that trial Alexander instructed counsel to object to the witnesses remaining in court, because they were to be examined on the subsequent trial of Borthwick. Yet, in less than forty-eight hours after Mr. Stuart had been acquitted, Borthwick was discharged and never was brought to trial at all. No opportunity had been allowed him to prove his innocence. On the contrary, from the 29th of May, every thing was done that could needlessly aggravate what he had to endure.

Such were the facts of Borthwick's case: but he could not avoid asserting, what unquestionably gave him pain, that there was an intimate connexion between the trial of Mr. Stuart and the proceedings against Borthwick. He might be told that it was impossible to show this connexion, because Mr. Hope had been always anxious that Borthwick should be tried at Glasgow. It was to be remembered, that one of Borthwick's motives for obtaining possession of the papers was, that actions had been brought against him by various parties libelled, and his only means of defence or conciliation was, to apprise those parties of the authors of the libels. Mr. Stuart was no doubt at Glasgow when Borthwick resumed possession, and no doubt also the important document, producing the unfortunate event that had attended these transactions, came then into his possession. In the course of the discussions last year, nothing had made so deep an impression upon the public mind as the conviction that Mr. Stuart had been guilty of a most unwarrantable and unjustifiable act in gaining possession of those papers. If any thing could have been raised to the prejudice of Mr. Stuart on his trial, no doubt it would have been brought forward; and it was clear, from the very terms of

the indictment against Mr. Stuart, it was meant to connect his case of Borthwick. Statements were introduced into the indictment mere purpose, and which had nothing to do with the charge against Mr. Stuart. No man could doubt that the proceeding against Borthwick, if it had been attended with success, it would have deeply injured Mr. Stuart. It was plain that in the minds of the people of both there was an intimate connexion. Under such circumstances, it was only incumbent upon the learned lord to show that he had acted most carefully and deliberately, with a determination not to oppress an individual, but to clear the circumstance of his confinement from the prejudice of Mr. Stuart. It was possible to point out any course more effectually produce that result than the course that had been taken, and the learned lord was the most fortunate man in the world, if all the coincidences had happened without design. The whole of this proceeding was attended with infinite danger to the person of the people of Scotland; and if such things were allowed to pass without the animadversion of Parliament, the result was deplorable indeed. He saw on the other side of the house, a number of gentlemen who had recently taken part in the proceedings against the attorney-general for Ireland; but, if the two cases be compared? Let the case of the rioters of Dublin be examined to any extent; let the whole of the most serious accusation against the attorney-general for Ireland be credited—score hundred degrees, it would fall short of the case now established against the Lord Advocate of Scotland. He trusted that the gentlemen who had shewn so much anxiety to protect the personal liberty of the people of Ireland, would shew an equal anxiety to protect the personal liberty of the people of Scotland. He had, on that occasion, characterized the conduct of the Lord Advocate as unjust and oppressive. He said so still; and unless his opinion of that conduct were materially and totally altered by any new circumstances which might be stated by the learned lord, he should call upon the House to censure it. So thinking, he should conclude his moving, "That the conduct and proceedings of the Lord Advocate of Scotland in the case of William Murray Borthwick, late printer of Hamilton, were unjust and oppressive."

The *Lord Advocate* commenced by assuring the house, that the hon. and learned member who had just sat down could not feel greater satisfaction than himself, that the moment had arrived when this question was to be discussed and to be decided. Whatever had been its cause, certain it was that the delay that had already occurred had been most prejudicial to himself. Nevertheless, he did not complain of it; he only denied that he had been in any way instrumental in producing it. No man had been more anxious than himself that the whole question should be brought forward as early as possible. He had been much surprised that the papers were not laid upon the table before the end of the last session; and if the hon. and learned gentleman, in what he had said on this point, meant to impute that he had been the occasion of the postponement, it was an error. He had written up from Scotland to the office of the Secretary of State, for an explanation of the fact; and he had found that on the last day of the last session, the documents would have been brought up, but for the sudden and somewhat unexpected arrival of the usher of the black rod. In reference to the question before the house, he begged its indulgence while he was compelled to go over facts which he had before stated, and to repeat arguments which he had already urged. Of the manner in which the subject was brought forward last year, he had complained at the time. He complained now, and he should never cease to complain. For he had laboured under disadvantages of all kinds, and had not then the information now before the house, and on which he might securely rest his defence. He had not expected that the case of Borthwick would have been brought forward. He had, indeed, at that time one way of escaping from the difficulty, he might have declared a fact subsequently avowed by his learned deputy, that he (the lord advocate) had given an opinion against the prosecution. The whole blame would, however, thus have rested on his learned deputy; but as he knew that he (the lord advocate) was officially responsible for the acts of his deputy; as he scorned not to sustain his share of responsibility; and as he was certain that the acts of his learned deputy would bear the strictest inquiry, he had not introduced that important and decisive circumstance. It had been declared to the house and to the country in the

celebrated Letter which his hon. and learned friend had published. He held that when this fact came would have led to a different conduct on the part of the gentleman opposite. He laid the charge of "perverting justice for bad purposes" was abandoned; as it was clear men entertaining different subject, there could be no objection. Whatever was the real objection now introduced, it must be out of doors, that its purpose was not public justice, but to crush the hon. and learned gentleman to detract from the distinction of his hon. and learned deputy from the Opposition benches. Gathered from that cheer, that declaration was unfounded. It was he doubted whether the doors would be charitable to the best interpretation upon which this question was now brought forward the second time, brought forward by the hon. and learned gentleman who had insisted that "justice had been perverted for bad purposes." The evidence, every document, every document, private or official, was now on the table, and the house was to decide whether there was any foundation for the charge.

Before he proceeded to particular facts of the case, he said a few words upon the powers of the lord advocate. No man who knew him would say that he was disposed to abuse them. Such powers as he possessed he would assert and maintain. His business, and that of others, was at stake in this matter; and if hereafter the gentleman asserted that he (the lord advocate) possessed greater powers than he now stated, he should call upon the gentleman to quote his authority. He asserted, in the first place, that the lord advocate possessed no legal powers as a public prosecutor. He was a justice of peace of all the counties of Scotland, because his name was in every commission; but no more than any other justice of peace could do. A learned gentleman he believed, had laid down the law more broadly than he was disposed to do. It was unquestionably true, that the law applied to the lord advocate as well as to the other justices; but it was optional in them to give in the lord advocate to give

gistrate was not bound to act upon it. He might, if he pleased, resort to any other legal authority that he preferred, since he alone was responsible. Even as a public prosecutor, the powers of the lord advocate had been exaggerated. Originally, prosecutions in Scotland were commenced by private parties only; and it was not until the year 1587, that an act passed giving him that power. Still this power was not exercised by him until long afterwards; and it was only of very late years that private prosecutions had ceased. They had ceased because reliance was placed upon the moderate and prudent course pursued in general by the lord advocate in matters of this kind. It was true that in Scotland there were no grand juries except in the single case of high treason. No lord advocate, however, would venture to institute a prosecution in which the circumstances did not fully justify him in bringing it forward; and on the other hand, he was not aware of a single instance in which the lord advocate had declined to prosecute, where the private party had subsequently succeeded. The general result of prosecutions in Scotland proved the moderation and discretion with which the powers of the lord advocate were exercised. Out of 409 persons tried in a given time, only 49 had been acquitted. In an average number of years, 1,409 persons had been capitally convicted in England; and, taking the population of Scotland as one-sixth of that of England, about 40 capital convictions might be expected in Scotland in the same time, whereas the number amounted to only 18. The number of persons transported in England during the same time amounted to 2,889, one-sixth of which would be 480; but the number in Scotland amounted to 180.

The practice of carrying on prosecutions by the public prosecutor having of late years exclusively prevailed, private parties had acquired a right, upon receiving any injury, to call upon the lord advocate to prosecute; and, in many cases, the ends of justice could not be obtained without the intervention of the public prosecutor; because, by the law of Scotland, the party injured could not, as in this country, give evidence in a case where he was himself the prosecutor. Three deputy-advocates, one of whom, at the period in question was Mr. Hope, the present solicitor-general, were attached to the lord-advocate. The appointment

of that gentleman to the office of advocate was no merit of his advocate's). He envied his the opportunity of conferring upon him. The deputies were three circuits in Scotland, and one of these circuits that B case first came before Mr. Hope in consequence of an application from procurator fiscal. It was ordered by the magistrates of Glasgow, that taken from Alexander should be but the order was disobeyed, almost indefinitely, but still discontinued, in fact, that the whole papers had been carried off to by Mr. Stuart and another. With regard to the committal of Borthwick, he must observe that a in Scotland only did what he would and if he were not asked to commit him [Hear, hear!]. I find a contradiction upon this point. The committee finding that the papers had been carried to Edinburgh, an inquiry was instituted as to the persons who had taken them away; and this having been ascertained, the procurator fiscal was about taking up the prosecution in public instance. He therefore brought the case before Mr. Hope, in order to obtain his opinion. The letter upon which the Crown agent commenced proceedings against Borthwick was from the procurator fiscal of Edinburgh, and would be found in page 66 of the papers. In that letter the examination of various persons were inclosed, and others, the declaration of Borthwick himself, and the general result of the examinations was, that Borthwick had taken the papers from Alexander's office, broken open the desks, and carried away a quantity of private documents. Certainly, the statement of Borthwick himself had a great weight in forming a defence nearly similar to that put forward for him by the hon. and learned counsel opposite; but it was not usual, that a man would be aware, to give implicit credence to the statements of accused parties. It was, however, how far Borthwick was entitled to special credit would very shortly be determined. Borthwick's statements were proved by documents to be upon four different points untrue. Borthwick alleged, that he took possession of the papers from Alexander's house, he did so with the sanction and approval of a magistrate. This was a direct falsehood; for he had

by the magistrate, that he must not take possession of them. He said, that he had found the desks at which he was accustomed to write, open. On the contrary, he had found them shut, and, finding them shut, he had forced them open. In a third place, he declared that, on taking the papers from Alexander's, he had folded them up, and sent them to the office of his agent. Now, the fact was, that he had carried them away to the Tontine inn, and had there at once delivered them to Mr. Stuart. And still further, he asserted that he had carried the papers from Alexander's house, because Alexander's brother had opposed his examining them there; when, in truth, at the time he had sent the papers out of the office there had been no soul to oppose him, or anything but a boy under twelve years of age. Upon these facts it was, that, long before the duel took place, Mr. Hope had given his opinion, that the case must be taken up by the public prosecutor. And let the House look at the act with which Borthwick was charged, and at the circumstances under which it had been committed. It had been done not merely without the authority of any magistrate, but contrary to a magistrate's direction. Borthwick had been irregularly liberated from prison on the Sunday (the papers being served on the Monday) by a fraud put upon Mr. Reddie; it being stated to that gentleman, that he was to be a witness on the Monday on some trial pending. As soon as Borthwick left the prison, he had gone away to the Tontine tavern, where the getting of the papers and the use of picklocks had been mentioned in the course of the night; and on the next morning he had proceeded with others to Alexander's house, taking from thence the papers in question, and opening the iron safe by the means of a picklock, after he had sent for a smith to break it up.

Now, all these circumstances were important to be stated, because they showed Borthwick's crime to be the result of a concerted plan. [Cheers from the Opposition.] He understood what those cheers meant. It was meant to be argued, that no crime had been committed; but he should insist, that theft was distinctly made out. Borthwick challenged the papers which he had taken to be his own, or at least to have some interest in them, and treated his visit to Alexander's house as a mere resuming possession of his rights. But was the act like that of a man resum-

ing possession of any! supposing the papers no exclusive property of If effects belonged to a not competent for an company to seize upon away. Mr. Hope stood not upon the law of England, but upon the law of Scotland. If it was a theft according to land, then Mr. Hope was the stealing of papers a felony, there could be no indeed, had suffered a offence; and he said the question (many of them had been feloniously taken from Alexander, their true owner), in this case, he repeated, was that Mr. Hope had been justified in the matter as fit to go to be recollected, that in this case Borthwick might have been allowed to surrender on his second. Borthwick's complaint had formed a feature in the charge brought against him, and learned members of the House, instead of being lodged in prison, had been allowed to go. Now, Borthwick had been taken to Edinburgh [here the Lord Advocate read a letter vouching the fact of his personal request, and under the influence of undue inconvenience or it was set up as a great hardship by Borthwick, that he was allowed to see his agent for forty hours after his going to prison. The fact was, that, by the law of Scotland, a prisoner was allowed to see his agent after his examination; and it was necessary to defer the trial of Borthwick in Edinburgh, his first declaration was made at Glasgow. That there had been a delay in the proceedings for bringing him to trial, he distinctly denied, the delay having been the object of the law, and he had only been examined on the 4th of April; and his indictment, with witnesses, had been drawn up upon him on the 6th. Then he was asked, why had he not been tried? The hon. and learned Advocate said that it was for the Advocate to bring evidence to the further proceedings, and he was of a different opinion. The proceedings had been



the last session; and its production had not been resisted by him, but by an hon. secretary of state, who had thought such production irregular. He had certainly given an opinion upon the matter differing from that of Mr. Hope; but it was necessary for the House to know the circumstances under which that opinion had been formed. He had received in London, on the 5th of April 1822, the declarations and examinations printed in page 66, containing the allegation on the part of Borthwick himself, that he had acted, in taking the papers, under the sanction of a magistrate; and not containing the letter of Mr. Simson, the fiscal (which did not reach Edinburgh until the 3rd of April, after the papers received by him were sent off)—that letter from Mr. Simson, which declared Borthwick's statement to be untrue. Now, looking at the case as stated by Borthwick, he (the lord advocate) had certainly thought it not a case desirable to be sent to trial. When Mr. Hope began the investigation, the duel had not occurred. Though it became desirable not to prejudice the trial of Mr. Stuart, still there was nothing in those proceedings which could induce Mr. Hope to alter the course which he had before taken. On a review of all the papers, he did feel that Mr. Hope was right, though his instructions were of an opposite tendency at the time. He explained the remedy which Borthwick might have had by an action for false imprisonment. He was of opinion that no sufficient grounds were laid for the motion. If Borthwick had suffered more than he ought, in all probability it was less than he would have suffered had he been able to make his escape, and had he been living an outcast from his country ever since. That this would have been the case was manifest; because the ship in which he was to have embarked actually sailed from Dundee a few days after. He was quite ready to take upon himself the responsibility which might be supposed to attach to Mr. Hope. For his own part, he felt that his conduct needed no defence. When he took office he found Scotland in a state of considerable ferment. There had been more political crimes tried in his administration, than in that of any of his predecessors. In no trial had they failed of convictions, either by verdict or confession of the offenders. He left the case with the justice of the House. He had acted upon pure and conscientious motives. If

the same circumstances were to occur, again he would take the same course of conduct. He had now said as much as he found necessary for his justification. If the house thought good, he would wait till the end of the discussion. He then said, "Stay, stay," from the Opposition benches, in which the learned lord acquiesced, and sat down.]

Mr. J. P. Grant said, he rose with considerable embarrassment, because he was called to decide upon a case as if it would be in a court of justice, affecting but one side. His hon. and friend had substantiated a story of accusation to which there was no defence. The learned lord had passed by, or mistaken, the nature of the accusation. He had talked all the while in the plural number. He seemed to think that Mr. Hope was concerned with him as in a sort of partnership for the administration of justice. Where Mr. Hope was, with respect to this accusation by the House, nobody. The lord could know nothing of his responsibility; he was not even an officer of the House; he was only a deputy to the learned lord. He (Mr. J. P. Grant) knew of no power possessed by the lord advocate to transfer parties upon their trial for high treason, which he could transfer to a deputy; the deputy must do that part of his duties in his own capacity—according to the direction of his own mind—on his own view of the particular case. He might direct the conduct of the trials, or appoint a deputy to assist him in gathering and ascertaining the facts; but to him alone did the law try look for the decision. The learned lord had said, that the powers of the House had been much exaggerated. His powers were, however, enormous, and there was no responsibility attached to them in parliament. The learned lord would say that he was answerable to an inferior tribunal. He had talked of an accusation of a wrongful imprisonment; but the case had been brought, and the only remedy was that the court adjudged that the learned lord should produce his private information, and was to take the place of defendant. The learned lord was not only of counsel, but morally and really responsible for all that had taken place on this occasion. The learned lord admitted, that the instructions to his deputy were, that there was no ground for the prosecution. The learned lord should have placed the prisoner in the same condition as he would have

placed in England after a bill ignored. He ought not to have been subject to any further proceedings. But the deputy chose to send a remonstrance, forsooth. He presumed, to withhold obedience to the decision of the learned lord, whose responsibility and character were alone at stake. He had actually kept the man in prison, until he should find whether the arguments he had to bring against him would not have the effect of convincing the learned lord. Not only this: he had taken Borthwick to Glasgow, and prepared measures to put him on his trial, against the instructions which he had received. The letter of the learned lord again determined that there was no case for trial. Again, after this second determination, the deputy had put in a petition before the magistrates, stating, that in his opinion the lord advocate could still order a prosecution; and again he succeeded in incarcerating the man. And, after all, the learned lord for the third time determined, that there was no case for a prosecution. This was upon the learned lord's own shewing. What would any man in that House say to so monstrous and oppressive an abuse of authority by his deputy? The learned lord had left the House no alternative, but to visit on his head the justice which the law demanded. He agreed with the learned lord, that the question was, whether justice had been perverted to bad purposes? That justice had been perverted, the learned lord himself admitted. By his own allegation of the facts, the purposes could not be otherwise than bad. The learned lord would have it that a case of theft had been made out sufficiently strong to justify Mr. Hope. Now, he defied any lawyer in that House to say that any thing like a case of felony had been made out. Borthwick had taken possession of what he deemed to be his own property. The taking was of the very same kind by which actions of trespass were brought to issue in this country. The whole proceeding originated in a dispute about property between two partners. The learned lord talked of a theft committed by a company. What did he mean? Was there ever such a thing heard of as a partner robbing another partner? He remembered a trial, indeed, of a woman for stealing the goods of her husband: but there was no precedent of such a theft as that conjectured by the learned lord. He thought it was quite impossible for the House to pass over the

case so clearly made out by his learned friend.

Mr. *Home Drummond* never heard a more singular case than this, for a grave accusation made against the lord advocate, that he had not performed all the duties of his office in parliament. He thought it would be clear to every man who knew the multifarious duties of the learned lord, that it was his duty to deliver his opinion on every case. The learned member was not to take away the liberty of the person; but when he required the opinion of the lord advocate on every case, it would be to imprison a man more time than was necessary, to maintain that opinion? We required much legal learning to deliver that opinion, but when any such did deliver it, the lord advocate-general acted for the time, when that officer was absent, in charge of demanding evidence. It was known that moderate evidence was required but had not been given by the party, for some reason known to himself, declining to give it. The lord advocate was accused of deserting the case *et tempore*, and some gentlemen thought to have mistaken that for a delay of the proceedings, when it meant delaying the time of the trial. A delay would be granted only to a private individual in a civil case. It had been said, that there was a warrant justifying the lord advocate entering and seizing the property of the party; this was a mistake, for an arrest was only a preliminary step to a trial, and was merely an abstract fiction in law, on which a warrant could not subsequently issue. It showed, however, that throughout the transaction, Borthwick acted ignorantly, for he had the advice of no less than five counsel. What had he done? He was an interlocutor? Had he acted improperly when he returned to the House? He had acted injuriously towards those whom he called his partners, if he had stolen their property. He had opened their desks, and from their property had gained the evidence by which he had appropriated to himself the property of his own private partner, and carried off the property of his partner; and could any man

conduct any other appellation than that of theft? Gentlemen had spoken of felony and misdemeanor, and had used these terms, so familiar in the law of England. Now, he wished the House to understand that the law of Scotland knew of no such technical distinctions, but classed both the offences under the general name of crime. The bad faith of Borthwick was evident throughout the whole of the transaction. In order to get out of gaol he had sent Macgregor, an agent of his, and a practiser of the law in Glasgow, to the proper magistrate, who had represented that he (Borthwick) was a necessary witness in a civil cause to be tried on the following day. What would gentlemen say to attorneys or counsel in this country applying privately to a judge in such an affair? And yet this had been done by Borthwick, and the consequence was that the magistrate believed the representation and liberated him. In short, the whole transaction had begun, continued, and ended, and had been a disgrace to all the parties concerned in it.

Mr. Kennedy said, he was surprised at the conclusion to which the hon. member who spoke last seemed to have arrived. He certainly did not wish to overload the lord advocate with official duties; but he thought that Scotland had a right to demand, if not his opinion on every case, at least that he should exercise some discretion on matters passing through his office. Scotland was not to be told, because the characters of member of parliament and lord advocate were united in one person, that the duties of one should be unperformed, while the learned lord discharged those of the other. If it was impossible for him to fulfil the functions of both, he should return to Scotland, and another person should fill his situation in that House, and thus leave him at liberty to perform those duties so requisite for the proper administration of justice in Scotland. It had been stated by the hon. member opposite, that low bail had been offered. But, supposing this to be true, what did it prove? Why, that the law had not been properly administered; for, by the law of Scotland, the offence with which Borthwick was charged was not bailable. The hon. member had stated the conduct of Borthwick to have been highly criminal: and yet the lord advocate himself had stated, that it was not a fit case for prosecution, and did not in any way approach to felony. Indeed,

the conduct of Alexander seem of a much more criminal nature in which Borthwick had been in irons to Edinburgh, and had access of friends; and finally the trial of the diet in Glasgow, presented a picture of indefensible oppression.

Lord Binning said, he rose with anxiety and solicitude. A near relation of his was among the parties involved, and he trusted that the House, considering the lateness of the hour, would think him justified in prolonging for a short time, the discussion. He would recollect, that when the learned gentleman opposite broached this question last session, that he imputed to the law-officers of Scotland, in Scotland, was *mala fides* throughout the whole of their proceedings, the origin of these transactions to a catastrophe which ended in the death of sir Alexander Boswell. Now, the facts stand, as the hon. and learned gentleman had disclosed them to the House. Why, that his learned friend, the lord advocate of Scotland, knew nothing of the quarrel between sir Alexander Boswell and Mr. Stuart, until the night of the 10th of January, when every body in Edinburgh knew of the matter of public notoriety, and the legal opinions which he had given on the documents before him, had been pronounced eight days before. His learned friend, Solicitor General, might have acted with indiscretion (which he denied) was a different matter; but that, in any part of the proceedings, he had acted with malice was not to be sustained by any disinterested view of the case; and yet that was the main gist of the hon. and learned gentleman's charge. Into a disquisition of the subtleties of the law of Scotland he did not profess himself competent; nor did he think that House of Commons the best tribunal for settling such points [Cries of Hear]. The learned chairman of the quarter sessions of Doncaster (Mr. M. A. Taylor) manifested a disposition to interfere, and was perhaps perfectly competent to instruct them upon points of Scottish law, and the House would no doubt benefit of his opinion. It was enough that he (lord Binning) had been challenged by the hon. and learned gentleman opposite (Mr. Grant) to hazard an opinion upon the legal part of the case. He knew

hon. and learned gentleman was a member of both the legal professions, English and Scotch; and he also knew, that, in his speech that night, he had strangely mixed up and confounded the principles of both. Now, he was not prepared to say whether this or that act was felony according to the Scottish law. Whether breaking open a partner's desk and carrying off his papers amounted to that offence, it was not for him to assert; but he might be permitted to say that, according to British law, such an offence, to say the least of it, was a trespass, and punishable in some shape or other. Why, then, might it not be a crime in Scotland? Or what was there absurd in Solicitor-General Hope entertaining that opinion? There were higher authorities than the hon. and learned member, for asserting, that this offence was penal; for the Lord Justice Clerk had distinctly held that it was not bailable. His only object in pressing this topic, was to show that Solicitor General Hope had not travelled out of the course of his duty; and this was, he thought, apparent from a dispassionate consideration of the whole case. The noble lord then recapitulated the whole of the proceedings in Borthwick's case—and the manner in which Mr. Stuart got possession of the papers; and contended, that Borthwick, who was represented as being so immaculate a person, had acted throughout in a manner utterly indefensible. Borthwick might have been released on bail if he pleased; but it answered the purpose of those concerned better, that he should secure the reputation of a martyr, and form the ground-work of such a case as the present against the law-officers of the Crown. With respect to his hon. and learned relative, he was a man incapable of an act of deliberate injustice. He had acted through the whole proceeding in perfect conformity to the law; and even if he had been guilty of an error in judgment, the House of Commons would, he thought, be the last assembly to blast the reputation of a young and rising man, by agreeing to such a resolution as that which had been proposed by the hon. and learned gentleman.

Mr. *M. A. Taylor* said, he had read the whole of the papers, and those who knew him better than the noble lord, would be satisfied, that he would not give any vote to inflict pain or censure on an individual, were he not satisfied that it was deserved.

VOL. IX.

He could allow for that of the noble lord; but this as a question of Scotch law had little to do with the House was not debated but on the invariable principle on which every man forms his own opinion.

After a brief reply from Mr. Cromby, the House divided. Ayes, 102. Majority against the Government.

### *List of the*

Abercromby, hon. J.  
Allan, J. H.  
Althorp, visc.  
Barnard, visc.  
Barrett, S. M.  
Benett, John  
Bennet, hon. H. G.  
Bentinck, lord W.  
Bernal, R.  
Brougham, H.  
Browne, Dom.  
Byng, G.  
Brownlow, C.  
Barry, J.  
Calcraft, J.  
Calvert, N.  
Carter, J.  
Cavendish, lord G.  
Cavendish, hon. H.  
Chamberlayne, W.  
Chaloner, R.  
Cradock, S.  
Crompton, S.  
Daly, James  
Davies, J.  
Denison, W. J.  
Denman, T.  
Duncannon, visc.  
Ebrington, visc.  
Ellice, Edw.  
Evans, W.  
Fergusson, sir R.  
Folkestone, visc.  
Forde, M.  
Glenorchy, visc.  
Grant, J. P.  
Grattan, J.  
Griffith, J. W.  
Guise, sir B.  
Gordon, Robert  
Hobhouse, J. C.  
Hume, J.  
Hurst, R.  
Hutchinson, hon. C.  
Hotham, lord  
Lambton, J. G.  
Lennard, T. B.  
Lushington, S.  
Leycester, R.  
Maberly, W. L.



## HOUSE OF COMMONS.

*Wednesday, June 4.*

**BREACH OF PRIVILEGE—COMPLAINT AGAINST "THE MORNING CHRONICLE," FOR REFLECTING ON THE MEMBERS OF THE HOUSE.]** Mr. Jones rose to call the attention of the House to a paragraph which appeared in the "Morning Chronicle" of that day, reflecting on the proceedings of that House last night, without, however, intending to found any harsh measures thereupon. The paragraph to which he alluded was as follows:—"The small majority of six last night in a House of 198, is perfectly decisive of the sentiments of members with respect to the abominable proceedings in the case of Borthwick. An analysis of that majority will be a curious exhibition. We should like to see the names: they must be most valuable partisans: they are evidently not men to stick at a little." He begged to call the attention of the House to the nature of the motion. It was not a motion of a general nature, but it was limited to a most severe censure upon the lord advocate. It called upon the House to declare, that the conduct of that learned lord had been unjust and oppressive. He did not mean for one moment to say that the proceedings which had taken place against Borthwick were not unjust, oppressive, and illegal; and if the motion had been directed against those persons who, in his opinion, were the authors of those proceedings, he would have voted for it: but, having perused the papers which had been laid before the House, and listened to the charge which had been made against the lord advocate with as much attention as possible, he must confess—

The *Speaker* put it to the House, whether the course in which the hon. member was proceeding was consistent with its orders or with its dignity. Nothing could be more clear than that any notice of the proceedings of the House was a breach of privilege; but would the privileges of the House, or its dignity or character, be maintained by an explanation of the nature of the motion, and of what would have been the hon. member's conduct if the motion had been differently framed? He would put it to the hon. member himself, whether, instead of maintaining the dignity of the House by entering into an explanation, amounting almost to an apology, he was not in reality lowering it?

Mr. Jones acknowledged that he felt

*Breach of Privilege.*

the difficulty of his situation. He was sorry to take any harsh part against the editor of the paper, but, being called the attention of the House to the circumstance, he hoped he might be considered out of order in reasons for doing so.

The *Speaker* repeated what he had before said, as to the paragraph being a breach of privilege. It was left to the discretion of the hon. member to do as he thought fit under the circumstances.

Mr. Jones said, he had felt called upon to notice the paragraph, because he was one of the majority who the editor had alluded to, in which he had read to the House what he had done last night, and he had acted conscientiously, according to the opinions of the majority of electors whom he represented. He did not come down to that House as the partisan of ministers or of any particular party. It was said, that those in the majority last night would not stick at a little." That expression admitted of two inferences. If it were meant that the majority would not be easily moved from supporting a good and proper motion, he had no objection to it; but if it were intended to insinuate that they would not hesitate to vote for any measure, he would say that was very silly. He did not intend to call the House to take any proceedings against the editor of the "Morning Chronicle," whom he believed to be a very respectable gentleman. He moved, "That the said Newspaper be delivered in, and the said Paragraph read."

Mr. R. Martin seconded the motion.

Mr. Hobhouse hoped that the hon. member would, upon consideration, find it the propriety of acting upon the motion, which had proceeded from the House. There would be an end put to the business, if the House were to refuse to interfere in every case. The hon. members might conceive that it would have been improperly censured if the hon. member must have found objections directed against him in those papers which were opposed to him in politics. It was a single day passed in which hon. members did not find their conduct ten times more misrepresented than that of the mover was in the paragraph which he had noticed. It really would be preposterous to found a motion on such a pass

Mr. *Canning* hoped the hon. member would not press his motion. In cases where an individual found his own conduct grossly misrepresented, it was very natural that he should take any means of righting himself; but great inconvenience would arise if every member forming one of a majority against which reflexions had been made were to take up the time of the House by explaining his motives, and, in fact, re-debating the question upon which he had voted. He hoped that the hon. member, having satisfied his own nice sense of honour, would allow the subject to drop.

Mr. *R. Martin* said, he would not second any motion which was preposterous. He was surprised the hon. member for Westminster should call any motion which was a breach of privilege preposterous. He (Mr. M.) thought that he could not refuse to second a motion which was a breach of privilege. To call the motion preposterous was—a preposterous expression.

The motion was then withdrawn.

LAW OF SETTLEMENT.] Colonel *Wood* rose and said:—Sir, in rising to explain the resolutions with which I shall conclude, I feel I ought to apologize for venturing to embark on so difficult, so delicate, and at the same time so important a subject; and certainly I should not have done so, had I not been encouraged by the assurances of many gentlemen, that they consider the plan proposed for ameliorating the Law of Settlement the most practicable plan that has been suggested for the consideration of the House. Neither, Sir, should I have intruded myself on your notice, if I had not long felt convinced, that this was a subject intimately connected, not only with the comforts, not only with the happiness, but with the liberties of the great mass of the British population.

In order to make this subject familiar to many gentlemen who may not have looked into all its details, it is necessary that I should shortly recapitulate the different acts of parliament, by which the settlement of the poor are at the present day regulated. But I must first observe, that with the 43rd of Elizabeth, the great foundation of all our poor-laws, I find no fault. That act, by the provisions of which the wants and the necessities of the poor are administered to, I consider a charitable and humane statute; and,

notwithstanding what you may write of it, I believe administered, it will secure happiness to any country humanity to adopt it. 43rd of Elizabeth, not only found relative to the law. In the early part of the reign, an act passed, the 13th of Elizabeth, directing that poor be removed “to the place where they were born, or most convenient space of three years next by the 39th of Elizabeth, were directed to be sent to the workhouse, if they had any place where they last dwelt for one year.” It is of importance for the future consideration of the House should bear in mind the mentioned statute. It was a time when the condition of the poor was forcing itself on the attention of the legislature, and at a time when about to be raised by contribution for their maintenance remained the law for upwards of 14 years; and it was not until the 14th of Charles the 2nd, that the foundation of the Laws of Settlement was laid. Now, Sir, I call the attention of the House to the preamble of this ill-fated statute, which states, “That by reason of the defects of the law, poor persons are restrained from going from one parish to another.” Now, Sir, it is this restraint that I complain of. This locking up the poor in their parishes, the not permitting them to go from parish to parish in search of employment, the preventing their carrying their goods to market the only thing a poor man can carry to market, namely, his labour, much of the evils of which we now complain, have originated. and 14th of Charles the 2nd, a cruel infringement on the rights of the lower orders of people, that all poor persons coming into any parish, and liable to become chargeable, should be removed out of it within 14 days. Sir, cruel, arbitrary, and sighted as this enactment was, it was infinitely less contrary, and less unjust to the rights of the poor, than some of the enactments which have since regulated the settlement of the poor, which have lowered it. It is true, by the 14th of Charles the 2nd, a poor

to be extracted from a parish in which he was honestly occupied, at the arbitrary will of the overseer within the first 40 days; but at the expiration of that period he was safe from removal; and, in case of need, in the parish in which he was resident, must he, if he required it, receive parochial relief. Whereas, by succeeding acts of parliament, and by judicial decisions on such acts, it does not now become a question of the last 40 days, but not unfrequently a question of 40 years. By the present laws, settling the parishes of the poor, a man may reside forty years in a parish; he may have brought up a large family in honest and industrious occupations; they may be married and settled around him; he may have spent the vigour of youth and the industry of manhood in useful and honest labour; and yet, when old age or sickness overtake him, he is liable to be carted across the country like a felon, to some parish at a distance, in which, in his early days, he may have lived a year as an hired servant, or resided the last 40 days of an apprenticeship; or if he has been in neither of these capacities, he goes back to his father's, or in some instances, to his grandfather's, settlement, and is cast down in a parish a most unwelcome visitor and entire stranger, to linger out the remainder of his days in a workhouse, or on the pay-list of the parish overseer. Again, Sir, bad as the 13th and 14th of Charles the 2nd unquestionably was, still it was a question of the day, had the poor man, or had he not been resident 40 days, and in most cases a longer residence than 40 days was generally permitted. Statutes soon followed, however, limiting the poor man's powers in obtaining a new settlement. By the 1st of James 2nd, the 40 days' residence was not to be reckoned until notice in writing had been given to one of the parish officers; and by the 3rd of William 3rd, it was further provided, that such notice should be published in the church and registered.

In this state remained the law for upwards of one hundred years, and it was not until the 35th Geo. 3rd, that an act passed that has done more to prevent a poor man changing his settlement, and has placed the law of settlement on a more unjust footing, than any act that was ever placed on the Statute Book. Why, Sir, this act, known by the name of Mr. East's act, and introduced, no doubt, with humane intentions, enacts,

that no poor person should be until actually chargeable. So humane, and charitable; but it to declare, that after the passing act no poor person should gainment by delivery of notice, or cation in the church, cutting up branch the settlement by a simple of 40 days. But, as if this were cient, as if enough had not been cripple the circulation of labour around with difficulties the settling the poor, the next section en no settlement should be gained payment of poor-rates on any rented at less than ten pounds a that, by this last clause, a man during a long life, pay poor-rate rent of his cottage, carefully at ten pounds a-year, but at a rate too high; if this rate falls into a man is liable to be summoned before the rate, and distress made on him and after many years of his life contributed to the poor fund at weekly earnings, when he has need of assistance, not one farthing he claim from the fund to which for so long a period contributed. He is removed to a parish in which entire stranger, and to which he be considered as a most unwelcome visitor. Now, Sir, this is the system which the poor are at the present afflicted; from which has emanated unhappy and alarming results; and I am most anxious gradually to alter the rate. It is a system that has degraded all the lower ranks of the people; it has broken down that spirit of independence for which the peasantry of England had been for so many years celebrated, and which alone will enable them to struggle with the difficulties of their situation and preserve them valuable members of society. It has, in addition to these evils, created a perpetual warfare between parish and parish, and instead of parish officers being occupied with the care of their poor, in too many instances has engaged them in endless litigation. By a reference to the report of the committee on the Poor-Laws, it is seen, that in the year 1815, it expended in litigation and removals upwards of 287,000*l.*; and that in one year there were upwards of 4,700 appeals against orders of removal.

Now, Sir, for this system such as I have described it, I wish gradually to

tute residence as the only title to settlement. I wish to bring back the law to what it was before the passing of these ill-fated acts, and nearly to what it is at the present day in Scotland. I am well aware that any sudden change might operate most injuriously to a great portion of the property of the kingdom, and in many instances to the poor themselves. But, before I explain the mode by which I would effect this gradual alteration, let us inquire from what quarters opposition may be expected to residence as the only title to settlement. Agricultural parishes will not, it is presumed, object to the change; there are under the present system, just as many paupers passed back to an agricultural parish, as there are passed out of it; as far as numbers go with agricultural parishes, it is a complete give and take question, exposing these parishes at the same time to most expensive litigation. But, Sir, it is from large manufacturing parishes that resistance will be made to the alteration proposed; they contend, if residence entitled a man to settlement, and a large manufactory failed, thousands would be thrown on the parish without the means of affording them relief. Now, Sir, how stands the law at present on this subject? If a man cannot procure work, he is to make application to the overseer of the parish in which he may chance to reside; if the officer does not consider him a parishioner he is to carry the applicant before two justices, who are to examine him on oath as to his last legal settlement, and adjudge him to be settled accordingly, making an order in writing for the pauper's removal at the expense of the parish in which the pauper may chance to reside. Apply this law to a failing manufactory: four or five thousand applicants are to be taken before two magistrates, each separately examined as to his last legal settlement, and then, by an order in writing and at the expense of the manufacturing parish, all these paupers are to be removed to half the parishes in the kingdom. Why, Sir, the thing is impracticable; the expense of the removals alone would be intolerable, and never could be endured; independent of the numberless appeals that the manufacturing parish would, in such a case, have to defend. I shall be told, this is an extreme case. I admit it is so: but it is by extreme cases that I shall be combated, and though such a case as I have represented is an extreme one, it is not at the

same time an imaginary member then quoted some of the iron manuf had failed, and where replaced to a very limited workmen had got off to well as they could; and when rooms were opening the severe weather of the houseless poor, it practicable to remove the tlement laws. But when broke up, they were turned with a few shillings in a scramble away as well as then, Sir, the present law and settlement of the poor treme cases be now applied manufacturing parishes great failures avail themselves laws to cast off the burthen employed poor: if the rishes are in no way in preservation; and if all the of society are most deserving their repeal; I should hope I shall have the honour that alteration will not meet opposition of the House. aware of the delicacy of which I am travelling; that a system that has been years acted on, and is so in our domestic policy, can be abrogated. I well understand sudden change would be noxious to property, but to ourselves. I wish to make a gradual and as imperceptible I wish that a better order sounder policy should steal unawares, and that we should laying the foundation, and use as we may proceed. propose, that all persons years in a parish, in the having occasion to apply relief, should be exempt from removal. There must be in this House who will say who has lived fifteen years without receiving parochial under any circumstances, out of it. But it will be a parish prove a residence. In very few instances will to do so; but the paupers have that power. It will whether the choice of a be left in the hands of



such a case it certainly should. A poor man should be enabled to plead a fifteen years residence against any order for his removal from a parish in which he may have, for that long period, industriously laboured. Why, Sir, what is the daily complaint now made against the poor? namely, that they have lost their independence; that they are now dead to a sense of shame; that the high spirit for which the British peasant had been for so many years, conspicuous was gone; that they now leaned on the poor-rates on all occasions; and that they made no effort to go alone. Why, Sir, before you attempt to run, you must learn to walk; and I wish to teach the poor to walk alone, in the first instance, before I attempt to excite them to greater exertions. The proving therefore a residence of fifteen or fourteen years, or indeed some other years of the scale, will very much depend on the will of the pauper himself. But as the scale descends every year, it will become more easy every year; it will be more in the hands of the parish officers, and if the House will permit the scale to descend to one year, which I anxiously hope may be the case, when that period arrives it will put an end to removals altogether. I need not now, however, detain the house by going into a consideration of this latter period; all I will observe is, that just in proportion as you facilitate the gaining a settlement, you facilitate the change of settlement; and manufacturing parishes therefore, who may dread the effects of a failure of any manufactory, are deeply interested in making the new residents transfer a settlement at the shortest possible period.

Sir, I think I need not detain the House by going at length into any observations on the advantages to be derived to the poor themselves, and the country in general, by setting free the people of England. Liberty will be sure to give that spring to the exertions of the poor, that can alone raise them from that degraded condition into which they have now unfortunately fallen, and from which every man who feels as he ought would wish to rescue them. If we hold out our hands to the lower orders, we may still raise them; but if on the contrary amelioration is rejected, and our present ill-fated and short-sighted policy is persevered in, the march of pauperism will go forward until it has absorbed the whole property of the kingdom. Sir, this is the view I take of

this important subject; but I shall have felt justified in bringing it to the consideration of the House, if I have been justified by authorities to whom I shall ever pay respect and deference, which I now wish to recall to you.

The hon. member then read several passages from the report from the Committee on the Poor-laws made in which the present settlement was most strongly reprobated, and total repeal recommended, and a residence proposed to be substituted. The hon. member next quoted some passages in Mr. Colquhoun's Treatise on the Laws and Propositions for the amelioration of the condition of the Poor; in which laws of settlement are treated as the cause of many of the evils and miseries which afflict society are attributed. Mr. Colquhoun in this work recommends total repeal.—The hon. Member then read some quotations from a speech by Mr. Pitt in the year 1796, in which he stated, that the evils complained of in the opinion, originated in the abuses which had crept into the poor-laws; that the present settlement tended to fetter the industry of labour, and although the pauper could not now remove a workman from one parish to another, still the pressure of a temporary distress, which might befall an industrious mechanic be transposed to the place where his exertions could be most useful to himself and his family, to which place he would become a burthen, and beyond the capacity of being even able to provide for himself. To remedy this great striking grievance, said the hon. member, the laws of settlement ought to be the subject of a radical amendment.—The hon. Colonel then concluded by saying that late in the last session of Parliament relative to the late Secretary of Foreign affairs, interested himself to procure the order for printing the report on the subject; that at that time he ever saw him, these remarks were the subject of their conversation, and as a sincere friend to the poor, it was but justice to his memory to state that they would have received his full support, as they did receive his qualified approbation.—The hon. member then moved the first of the following resolutions:

1. "That the various provisions of the laws for the Settlement of the Poor have given rise to a course of expensive and embarrassing litigation.

2. "That frauds are frequently committed, and, in many parts of the kingdom, generally adopted, to defeat the obtaining of settlements by poor Persons, who may, at future periods, become applicants for parochial relief.

3. "That the Removal of poor Persons who are incapable of maintaining themselves, to the places of their settlement, is frequently attended with much trouble, expense, and litigation; and with grievous oppression to the industrious and honest amongst them.

4. "That it is not expedient that any poor Person or Persons should be removed from any Parish, Township or Place, (by reason of such poor Person or Persons being chargeable or incapable of maintaining him or themselves) between the first day of August 1823, and the first day of August 1824, in which such poor Person or Persons shall have been principally resident or domicil for the space of Fifteen years;—or, between the first day of August 1824, and the first day of August 1825, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Fourteen years;—or, between the first day of August 1825, and the first day of August 1826, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Thirteen years;—or, between the first day of August 1826, and the first day of August 1827, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Twelve years;—or, between the first day of August 1827, and the first day of August 1828, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Eleven years;—or, between the first day of August 1828, and the first day of August 1829, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Ten years;—or, between the first day of August 1829, and the first day of August 1830, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Nine years;—or, between the first day of August 1830, and the first day of August 1831, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Eight years;—or, between the first day of August 1831, and the first day of August 1832, in which such poor Person

or Persons shall have resident or domicil, for Seven years;—or, between the first day of August 1832, and the first day of August 1833, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Six years;—or, between the first day of August 1833, and the first day of August 1834, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Five years;—or, between the first day of August 1834, and the first day of August 1835, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Four years;—or, between the first day of August 1835, and the first day of August 1836, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Three years;—or, between the first day of August 1836, and the first day of August 1837, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Two years.

5. "That from and after the first day of August 1837, no poor Person or Persons should be removed from any Parish, Township or Place, by reason of such poor Person or Persons being chargeable or incapable of maintaining themselves, in which such poor Person or Persons shall have been principally resident or domicil, for the space of One year."

Lord *Althorp* said, he was in the principles of the Bill, but he should give them his suggestions. He had some doubts as to the benefit. The evils of the present law were—1. Their interference with the freedom of labour.—2. The expense of removal.—3. The expense of litigation. The first of these evils would, in proportion to the effect, lessen; and, of course, in some degree, as those who had been resident for 15 years would be removed. But, as to the expense of litigation, he doubted the effect might not be to increase it. He decided what was resident or domicil left to the discretion of the Justices, and he feared this would be a ground of appeal to the Quarter Sessions. Under the present mode of settlement, by hiring an agent for a year and a day, there

attempts to evade the law, by hiring for fifty-one weeks, by releasing a certain term of the service, &c., and constant litigation to know whether the devices vitiated the contract. In the like manner, he feared the question, what was residence for a certain term, would be an endless source of litigation. There was one hardship under the present law, which he wished to see some provision to alleviate. No man was removeable, till he was actually chargeable. Now this, though it was very proper where the removal was compulsory, pressed hard upon the poor man when he wished to be removed to the place where he must ultimately be fixed. He should wish to see some enactment to enable the overseers to remove a poor man likely to become chargeable, at his own express desire.

Mr. Scarlett said, that though the result of his efforts last year were not calculated to encourage him again to enter upon this topic, still the subject was of such vast importance, that he could not avoid saying a few words. If the House had last year gone into the committee with him, he would have proposed some such measure as that which was now brought forward by his hon. friend; and he now came forward to redeem his pledge to his hon. friend, to support such a measure whenever he might bring it forward. He differed from his noble friend, who thought that the proposed alteration would increase litigation. He, on the contrary, was satisfied that it would materially diminish it; because the right to remove would be limited by a residence of a certain number of years. As the measure proposed that all persons who had resided in any parish fifteen years should not be liable to removal, all the litigation which applications for the removal of such persons now gave rise to would be cut off. And it was to be remarked, that in proportion to the time that a man had resided in a parish in which he might have spent his youth and strength, became the temptation to remove him to another parish, to be supported in age and infirmity. No new source of litigation was created; the mass of litigation, therefore, must be decreased, and in no inconsiderable degree. He was convinced that no measure would palliate the evil of the poor-laws, unless the mischief was checked

in its source by the abolition relating to removals. In the had last year proposed, he had the first place to limit the amount raised for the poor, and he, a favourable time to do so. If the right hon. secretary had raised the value of the land and had made it improbable that a pecuniary assessment would be demanded. Since the passing of that bill the pecuniary the poor-rate had diminished compared with the price of land; it would be found to have fallen and would go on increasing. The object was, to stop the increase at the statute of Elizabeth, and to bring it to its original intent, by giving relief to those who are able to work, instead of extending the law to who are unwilling to work. The law had had its origin in the removals, which it was his object to have done away with. During the period of the Commonwealth there had been no complaint against the poor-laws; but at that time, for various reasons, the civil war had introduced a system of wandering among the parishes, which, in the reign of Charles 1st, animadverted on. From that unhappy law of settlement, Charles 2nd, had its rise. It was there a more serious blow at the property and liberty of the country. Was there a law more hostile to the principles of sound political economy and justice. It placed the whole population of the country in a state of hopeless servitude, since it enabled the overseers to remove any man who was not to become chargeable. The law of the day, and the Journals of the House teemed with projects for the improvement of what was in itself improvable. This law had been, as had been well observed, of more oppression than any law which ever existed. Setting aside the numerous decisions of the court of King's-bench, there were in all the counties in England four times a year chiefly occupied in deciding questions arising out of the legal system, viz.:—Where a man was entitled to maintenance, should be maintained. The hardship of removal was so grievous, that cases of exception had been introduced;—first, In cases where a man had been hired, and served for

next, in case he paid the poor-rates; next, in case he filled an annual office; next, in case he was an apprentice. In all these cases the original law of 40 days settlement was reverted to; so that a man who was an apprentice was settled in the place where he had been last resident for 40 days. This system was so inconvenient, that the law of certificates was introduced; so that a man was not to be disturbed, when he brought a certificate that he had a legal settlement in some other place. Lastly, came the law that no man should be removable until he was actually chargeable. This system, even as it now existed, was extremely expensive; and, what he hoped was not to be disregarded, extremely inconvenient and oppressive to the poor. Gentlemen would recollect the time when the poor man felt a strong objection to be on the parish. And did they not now perceive that this feeling was fast wearing away? According to the last returns,  $9\frac{1}{4}$  per cent. of the population received parochial relief, and he had no doubt that this proportion had since increased. Indeed, the poor man might reasonably say, "If you will not allow me freely to circulate the only commodity I possess, the labour of my hands, you must maintain me: if I cannot remove without being liable to be sent back to the place where I was born, you must then maintain me here." Many able-bodied men who could find no work in the parishes where they were settled, made this the pretext for not removing to a manufacturing town, that on the first moment of temporary want they should be sent back again, and that they were subject to restraint and corporal punishment if their means should be deficient. The only defence of the law of removal was, that it acted as a penalty to prevent a man coming on the parish. He acknowledged that this had some force, though it was founded in no principle of justice. The proposal contained in the resolutions was a most cautious experiment, as it would be in the power of the House to stop at any moment. In the petitions which had been presented to the House, the poor-rates had been complained of as a peculiar tax on the agricultural interest. Now, it was the effect of the law of removals to increase this peculiar tax, by enabling manufacturing towns that had the advantage of the labour of men in their vigour, to send

them to the country supported in their old age. the manufacturing district less heavily assessed than the agricultural. Sussex agricultural county, with less than 200,000, and to the property tax, amount of 900,000 $\text{£}$ ., paid 265, while Lancashire, with a million, and three millions to the property tax, paid the poor-rates. It was a measure that the manufacturing towns be allowed to throw back on the country. For though because the experiment was a cautious one, he should not oppose the measure.

Mr. Lockhart contended that the proposed measure would involve litigation as the existing law was of extreme uncertainty, and of various constructions, but of no value arising as to the question.

Mr. Secretary Peel said that it was of the utmost importance that the House be in possession of the facts of the question before they proceeded to discuss this important subject. It was a subject involved, not merely theoretical, but a number of matters upon which it would be necessary to found any practical measure in the present session. Under the circumstances, he recommended that the Government should withdraw his resolution for leave to bring in a bill, and be committed *pro forma*, as to afford an opportunity of discussing the whole subject under the sanction of the House in the coming session.

Mr. Monck knew of the evil of the poor-rates, and for the evil of the poor-rates their total but gradual extension.

Colonel Wood withdrew and gave notice, that to-morrow he would move for leave to bring in a bill to amend the laws relating to the Settlement of the Poor.

COURT OF CHANCERY  
Liams, in rising to bring forward a bill of which he had given notice, his object were, to produce a state of the Court of Chancery than to restore what had been lost, should despair of success; well aware that the arguments



whatever it might be called, would immediately be raised, which invariably imputed danger to every innovation, though existing mischief might be pointed out, and a practicable ground of improvement demonstrated. He thought, however, that too many changes and innovations had been made of late years in the regulation of judicial proceedings. Much derangement and disorganization had arisen in the business of the court of King's-bench from this cause, and within the last ten years a sweeping revolution—he could call it no less—had taken place in the state of the court of Chancery. He was weary of these changes. He wished to introduce no further innovation; but, on the contrary, to interpose a pause, that the whole subject might be fully investigated; and, in the motion with which he should conclude, he trusted he should meet with the unanimous and consistent support of all those who, either from habit or principle, were opposed to every innovation, and chiefly to unnecessary and causeless innovation. Though the subject he had chosen was not novel or inviting, its importance was, he trusted, sufficient to attract attention. It had been the declared opinion of a late noble marquis (Londonderry), that evils existed in the court of Chancery of no ordinary magnitude; and of the hon. member for Corfe-castle, that those evils, and especially the long delays, amounted to an actual denial of justice. These opinions were more especially true after the measure of the year 1813, which had not only utterly failed in its object, but had radically revolutionized the court of Chancery. It now seemed to be conceded, on all hands, that evils of no ordinary magnitude existed, and that the present system could no longer go on without some amendment or improvement. He was at a loss, therefore, to imagine what possible ground could be alleged for opposing inquiry, when the mischief was not only admitted, but when a variety of remedies, all of which deserved attention, had been suggested.

He would take the liberty of calling the attention of the House to some of those remedies. The first he should notice was that of separating the office of chancellor from that of prolocutor of the House of Lords, which had been proposed in the year 1813, and had since been gaining credit. The second plan was that of striking off from the jurisdiction of the lord chancellor, all the busi-

ness connected with matte ruptcy. Both of these plainly of a sweeping desc should be well weighed, as t no small degree, to diminut ments of the lord chancellor plan was that of giving a judicial situation to the char duchy of Lancaster, which him to take a portion of lated business of the court. A fourth plan was the ap commissioners for the sing hearing Scotch appeals, the of which was a source of the suitors. A fifth plan taking away the whole of jurisdiction of the lord ch leaving him only an appella A sixth plan was, to enab in Chancery to take certain r were merely motions of co motions for time to plead, p ney into court, and others of a Of all these plans he was uns he could give a preference them. Nor was the House to give a preference to any if he might judge from the they took ten years ago, w content to legislate withou to act upon a recommend hearing the grounds of that tion, against all the weight and all the wisdom of predi

To show that the measu failed, it was only necessary that the necessity of a fre now admitted; and seco preamble of the very bill re tical grievances which were themselves upon the consic House. He could not, the that any hon. gentleman w inquiry, excepting on the of all grounds; namely, t legislated best when it u least. His motion procee tinct and somewhat m grounds. He was aware t approaching a part of the important and most difficul once said by a great aut House, that whenever a to touch a public grieva danger lest he should com of weight and authority, rather exasperated by thankful for the opportunit. He (Mr. Williams) knew

others who had gone before him, he must incur this peril; and he therefore begged to be allowed, in the first instance, to clear his way. In making the observations he should feel it his duty to offer, he should not forget his inferior situation, and the eminent rank of the distinguished and highly-gifted person who presided over the court of Chancery, and had control over the whole law of the country. In the observations which he should feel it his duty to make with reference to that distinguished individual, he should not forget that he was at the bottom of that profession of which that noble and learned person had been, for nearly a quarter of a century, at the head. That individual reigned as absolute and uncontrolled in the profession as any of the potentates in the holy fraternity which had been so often alluded to in that House, and the certainty of his remaining so during life was much greater than any of that fraternity could calculate upon. He should not forget that he was speaking of a person far advanced in age—of legal acquisition never surpassed, and probably never equalled—with a variety of information prepared to meet any subject—with a memory that never failed, and an experience that had rarely been exceeded. He had thus, he hoped, with no unsparing hand, done something like justice to the individual; and, if more were deserved, he left it to those who were better skilled in panegyric. But although it was scarcely possible to go further in the way of panegyric than he had gone, and was disposed to go, upon many of the qualifications of the noble personage in question, yet, unfortunately, those high qualities stood combined with one defect, which destroyed and defeated almost all their usefulness—with a degree of learned doubtfulness—that *dubitandi patientia* described by lord Bacon, in his essay on philosophic character, as the faculty which in its first operation disposed the mind for inquiry, but which, indulged too far, degenerated into habit, into weakness, and even into vice. Unfortunately, those great and estimable talents were joined to a degree of indecisiveness and over caution which neutralized, and he might almost say annihilated, the high advantages which should have resulted from them. The fault which he now alluded to was not one of his own seeking or finding out. He expressed an opinion that was general, and that was entertained by many practitioners in the court

of Chancery. Indeed, upon the thing, as he apprehended, there was but one opinion. To the question of law or of politics, the degree of certainty which was found in the pure and abstract was to reject every principle of moral reasoning must prevail. It was a short story upon doubting which, though the minds of hon. members, I repeat upon this occasion. Syracuse, proposed to Simonides, and by some also considered, a question of rather doubtful nature. The poet begged a day to consider of his answer; the monarch readily granted. When the day expired, the monarch called for the answer; but Simonides, not having been able to do so, begged to be allowed to wait another day. This request was also granted. The expiration of each given day was for four days, eight days, and always increasing his delay in a geometrical progression. At last, losing all patience—as was to be expected under such circumstances—knowing this poetical phrase to be a mere answer, which was—“that the question was considered of the question doubted upon it.” In fact, it could be denied, that the habit of delay goes so far as to unfit the mind for consideration, and that the slightest point a matter of delay to wait in a case of law where evidence should be marshalled on one side, and no jot of argument appear on the other, was to the rustic who waited till the tide cease to flow—

“ Rusticus expectat dum defluerit  
Labitur et labetur in omne volucribus.”

The question, then, to be more immediately addressed was the question which he thought proper for the consideration of the House, whether the system of our law was originally faulty, and whether, and how far, it was a corruption of that system which would be his unpleasant duty to question, to enter consideration of. He was sorry to take up the question in the House; but it had been so long that general assertions prevailed, and rested upon nothing. With particular cases which he had mentioned in the course of his speech, I

no facts but such as he believed he could fully establish before a committee. He had admitted none without ample investigation, and had rejected none which had evidence to bear them out. "Nequid falsi dicere audeam, nequid veri non audeam." It was notorious to every one who was conversant with the practice of the court of Chancery, that the grand source of ruin to the suitor was the delay. At the outset of a cause, it commonly happened that a partial hearing was obtained. The matter probably proceeded before the chancellor up to a certain point, at which it was interrupted, perhaps, by the mere circumstance of his lordship's leaving the court. The whole then stood over for an uncertain period; when it came on it was entirely forgotten, and the discussion had to re-commence *de novo* [Cries of hear, hear! from a member]. If the hon. member who cheered him so violently were once before a committee of inquiry, he would undertake to establish this part of his case by the evidence of that hon. member himself. It was not his intention to delay the House by entering into a dull, dry detail of the business of the court of Chancery; but there were some points to which he was necessarily bound to call their attention. A gentleman who kept weekly accounts regularly, would find no difficulty in keeping such accounts in regular order: if he allowed those accounts to run for six months, he would find much difficulty in arranging them; but if they were allowed to run unchecked for six years, he would find them grown to such a bulk, that, turning aside in despair, he would leave them uninquired into. He did not mean to keep out of view the fact, that much inconvenience had arisen out of the new arrangement. The House must at once perceive that he alluded to the institution of the vice-chancellor's court. In addition to this, he understood that there existed between the attorneys of both courts an understanding, which if the bill of the hon. member for Coventry, for regulating the combinations of masters and workmen, could be applied to them, would lay several of them by the heels in Newgate.

To return to the question of delays in the court of Chancery. The House were aware, that returns had been laid on the table of the state of business in the court of Chancery, from the year 1801 up to the year 1821. From that account it ap-

peared, that the number of ~~causes~~ in arrear, upon the appointment of chancellor in 1813, amounted to exceptions and further directions, 16; and re-hearings and appeals, 41. From that time it appeared that there was an accumulation of business in arrear, and of course a great increase of delay; for it appeared that the number of causes standing before the chancellor in 1822 (and it was ~~not~~ served, that all causes were referred to him, whether the parties liked it or not) amounted to 161 standing for making an increase of 20 causes; and demurrers (making a reduction of one); and re-hearings and appeals making an increase of 60 since the appointment of the additional judge, that it was clear there had been a great increase in the arrear of business since the appointment of the vice-chancellor. He had now an account of the business in Chancery at the present time, and he found that the re-hearings and appeals only in arrear were 195 in number, being a trifle less than the whole of causes existing at the time when the vice-chancellor's court was instituted. The truth was, that since the creation of the vice-chancellor's court, suits could not obtain the opinion of the lord chancellor but in the way of re-hearing and appeal. And it was worth while to observe that, whereas, in the discussion of the year, credit had been given to the chancellor for having, between the years 1813 and 1821, actually disposed of a great way of business, of 157 appeals, really was, that, of the 157 actually disposed of, 83 had been merely taken out of the paper, leaving the number actually heard and decided—not more than 74. He could not too strongly urge upon the recollection of the House the great original business of the court of Chancery was now regularly sent to the vice-chancellor. Since that despatch of the institution of the vice-chancellor's court—the subject was deprived of his right—of his right of opinion of the first law authority in the kingdom, unless he purchased the opinion at the expense of double delay and double costs. The lord chancellor's paper, at the present moment, does not contain the term causes at all. The causes, exceptions and further directions, pleas and demurrers, all these matters except in especial cases, were

over to the vice-chancellor; and the lord chancellor's paper was cut down from its original contents, to matters of petition, motion, re-hearing, and appeal. It appeared, by documents in his hand, that from the year 1818 to the year 1822, inclusive, the lord chancellor had only heard 19 causes. It appeared further, that, in the course of the last eight years, the vice-chancellor (who had all the causes and other matters transferred to him) had disposed of as many motions as 14,560, while the lord chancellor, in the same period, had decided only 5,255. These were facts proved by the papers upon the table of the house.

The instances of ruinous delay and expense which he was about to bring forward would be equally established by vouchers not to be contradicted; and they would be instances, not of exception to the ordinary rule, but instances of the common practice of the court. He begged to assure the House they were not instances sought or selected. They were not gathered as cases of hardship from among the whole two thousand practitioners who did business in the courts of equity. All the cases he should bring forward, and all the documents he possessed, had been furnished to him by one single office. Indeed, he was free to declare, that solicitors were not at all anxious to come forward with such information; that many of them entertained apprehensions, having important causes pending. They did not know what might be the consequence of their volunteering in such business. And really, when the extraordinary power possessed by the court was considered, the existence of such apprehensions could not be matter of wonder. Perhaps even the respectful mode of a member's discharging his duty in the House of Commons upon the present question might not be forgotten. For himself, he was happy to say, that he felt quite indifferent upon that point; but it was not extraordinary, that persons very immediately connected with the court should entertain apprehensions for their own interests, or at least for those of their clients.

He should now, however, come at once to the cases which he held in his hand; and he believed that those cases would sufficiently prove that there was something in the charge of delays in the court of Chancery, although the complaint was rather a comprehensive one, and so hack-

neyed as to be proverbial delays afforded matter to the consideration of the operation was productive to the suitors. The first case the case of *Brown v. De* circumstances ran thus:—A obtain an account, and in of the rolls made a decree should be taken. In the the decree of the master appealed from; and that be heard before the lord in the year 1821 [Hear!] not all. He complained delay. There were other In the course of the case ference to the master; report of the master, there to the vice-chancellor. The master's report, which less than 500*l.* and which would presently see was sary, and that the 500*l.* might better, have been thrown—that appeal came on to 1 year 1816. The vice-chancellor the master's report; and an appeal from the vice-chancellor against his decision report aside.—He now came to the bill of costs some weight in such proceedings should show the House a picture of a chancery suit. place, it was to be understood the time of filing a bill, the clerk in court became entitled called their "term fees"—1*l.* 1*s.* 8*d.* each term, so long lasted. For, according there was—

"As long as pocket shall hold  
No end to the immortal suit."

From the time of the cause for hearing in the cause—paid the solicitors were entitled of 10*s.* and sometimes it so there were several solicitors the same cause. From the cause being set down for clerk of the court and the entitled to a term fee of 1*l.* 1*s.* 8*d.* of which were them, 6*s.* 8*d.* of which were Now, in the cause of *Brown* the term fees began in the went on to the beginning 1819. In January 1819, be—that from the master of that from the vice-



the lord chancellor's paper, and continued there, off and on, through the year 1820 to the end of the year 1821; the attendances charged in that cause amounting to no less a sum than 450*l*. Nor was this by any means all. The learned counsel at the bar found it impossible to endure the fatigues of such a cause without what were called refreshers [Hear, and a laugh]. Upon those refreshers the learned barristers did manage to maintain their strength; but, for the unfortunate suitor, what "refresher" was there for him? Alas! none. He wandered over a dreary waste, barren and parched on every side. There was no green bright spot for his eye to rest upon; and, what was worse, he saw as little limit to the desert as likelihood of finding a road out of it.

Leaving however the case of *Brown v. De Tastet*, he would come to the second cause upon his paper. This was the case of *Oldham v. Cooke and Bovill*. It was a bill filed for a debt claimed to be due to a legatee. The bill was filed in the year 1815, and the answer was put in in 1816. In that answer, the trustee, against whom the bill was filed, admitted the possession of assets to the extent of 1,200*l*.; but the answer was not deemed satisfactory, because it did not give reasons why he had not a larger fund. In 1816, the answer was excepted to; and the exceptions were allowed. The house would observe, that the knotty point in debate, a point worthy of Simonides himself, was, whether the trustee had given reasons for his fund in hand not being larger. Upon that point, since the year 1816, there had been charges for 64 attendances; and even at the present moment it was not decided.—Take next the case of *Whitechurch v. Holunthy*. This was a bill filed in 1811, to restrain a lord of a manor from cutting down timber. An injunction was obtained in the first instance; and a special case was made for the court of King's Bench. In the year 1815 that special case was answered, and the certificate sent back to the court of Chancery. During the years 1816, 1817, 1818, and 1819, it lay in the book of the Registrar, and never got into the lord chancellor's paper at all. In the year 1820, it was sent to the vice-chancellor. No sooner did it get there, than it was sent back to the lord chancellor. There were attendances running on upon it in the years 1821 and 1822; and, up to the present hour, it was not decided [Hear, hear].

The next case to which he v was the case of *Fillingham*. In that case, the bill was filed for performance of a contract. A decree by the vice-chancellor appealed from to the lord chancellor, on hearing the case he gave his opinion in favour of the plaintiff, but refused at once to grant a decree. Now, he was credible that, from the great learning and perception of the lord chancellor, seldom, if ever, happened that an opinion on the outset of a case was not a right one; but, in the judicial expression of that opinion, often delayed to a degree which greatly weakened its value. In the case of *Fillingham v. Bromley*, the case was not until the year 1822, without a step being taken in it.—In the case of *Powell v. Sergeant* and others, which had been filed in the year 1815, the cause had ended nine years in the year 1821. During the whole period, of course, the term was going on. There was a decree in the bill, raising simply the question of the right of the defendant, Sergeant, one of the defendants, to be a party to the cause. The question of that preliminary question, however, have been settled in half a year, but kept the cause lingering for five years; and it had cost just 80 attendances.—The more case, and only one, which would try the patience of the house, that was a case as to which the bill was for possession of the original paper, the case of *Ware v. Horwood*. In the case of *Ware v. Horwood*, the plaintiff enjoyed the advantage of having a bill of revocation, and a bill of revocation to it, a decree had been made by the lord chancellor in the year 1815. An objection was started to that decree, it had been obtained surreptitiously, the exclusion of one party. Upon that ground, a motion was made, and he held in his hand against the party who showed cause against the motion, some passages of the bill worth the attention of the house. The deponent said, that, "in causes being daily placed before the Lord Chancellor's paper, judgment" or "to be spouting to the length of "the number of motions made

ponent) had found it impossible to obtain the lord chancellor's decision upon his cause; and that, having bitter complaints made to him by his clients of delay, and finding that the cause had not been placed in the lord chancellor's paper, according to the lord chancellor's order—finding these things, he had been induced, on the 15th of July, 1820, to write a letter to the lord chancellor to the following effect:—

“Ware v. Horwood.—My Lord; my clients have great reason to complain of the great injury suffered by them in consequence of these causes not keeping their station at the head of your lordship's paper, agreeably to your lordship's order repeatedly given in my hearing. It is now nearly seven years since they have been waiting for your lordship's judgment; and upwards of two years and a half ago, they had arrived at the top of the paper; at which I humbly entreat they may, until you can decide upon them, remain. There is a fund in Court of 10,000*l.* and upwards, locked up until your lordship decides on these causes; and it is therefore matter of great importance to my unfortunate clients that your lordship's decision may not be delayed by the circumstances to which I have above alluded. It is painful to me to state to your lordship, that I have learnt from authority, which I have no reason to doubt, that the infant, for whose benefit those suits were instituted twenty years ago, *died of a broken heart,\** on account of

\* Shortly after this debate a pamphlet was published, by Mr. Murray of Albemarle-street, intitled, “Observations on the Judges of the Court of Chancery and the Practice and Delays complained of in that Court.” It was written anonymously, but generally attributed to a gentleman who was formerly a solicitor of the court of chancery, but who, at the time of the publication, had taken his name off the rolls and had retired from practice. The following extract therefrom relates to the above case of Ware v. Horwood.

“This assertion appeared to my mind so improbable, that, being a man unencumbered by any profession or employment, I determined to search into its truth, and I applied to a professional friend, who is generally and deservedly esteemed in the parish where the infant died, to make similar inquiries: the result of our inquiries was the same, and we learnt from the infant's friends, and the medical gentleman who attended him on his death-bed, that there was not any reason to suppose his death was occasioned by a chancery suit, or anything connected with one; and I shall prove he had not any cause to grieve about it. Before his death

being kept out of his pi  
I have to contend agai  
ings of his relations. U  
ing circumstance, knowi  
ship will pardon the lit  
in thus addressing you,  
but the imperious nece  
could have induced me  
have the honour, &c.”

The affidavit which  
that the lord chancell  
quence, given immediat  
the case reinstated in i  
on the paper; that the  
ingly brought on spee  
and the deponent was th  
to attend in his lordship  
which he accordingly c  
quent conversations as  
drawing up the decree

he used often to lament the  
salvation, no grace, for such  
self; but he did not mak  
sion to the court of Chance  
lord, or other judges who p  
in possession, through the i  
who knew him, of the partic  
that grieved him, and grea  
spirits, which he refused t  
doctor; but delicacy forbids  
the detail. This sentimental  
to have died of a broken hea  
a chancery suit, was a labour  
he lived with a person at P  
buried at Linfield, in the tw  
his age, in July 1816; and  
there had been spent for his  
education 466*l.* which was  
Charles, he having been all  
the report of a master in c  
1st day of July, 1822. The  
disposes of what, “if anyth  
to him from the chancery  
father's affairs; and the su  
geniously made use of in th  
have been, as regarded this  
clusive of what was due to h  
tenance), about 134*l.* From  
tors' Commons, I find that  
who was administrator to h  
tered to this infant's estate  
ceed 600*l.*; and out of this  
due to this uncle, which ha  
upon the infant during his  
having received, or been in  
ceive, anything out of court i  
therefore 134*l.* was all the  
suit, unless we can suppose  
to have sworn to a false am  
letters of administration. I  
at the proper office, that th  
arrested, and I cannot learn  
known to be in pecuniary di

given in the court. He had procured the office-copy of the bill of costs put in by the solicitor who made this affidavit. He would submit the facts without any comments of his own, only premising, that the opposite parties had been led to suspect, and were informed of the fact subsequently, of these repeated audiences had of the Chancellor by one solicitor in the absence of the other solicitors in the suit, by the items in this bill. It began with charges for attendance, agreeably to the order of the court. Then the letter was charged in these terms—"for writing a long letter to his lordship, on the subject of the cause, and importuning particular attention to it, 9s. 6d.; attending the court to get the cause reinstated on the paper, 13s. 4d.; attending the court at the time of hearing the petition, 2l." &c. It happened well for this felicitous man, that he was solicitor also for one of the defendants in the cause. That which had been denied to the wishes of the historian, the power of a divisible identity, had been kindly imparted by Chancery to this solicitor, against the manifest law of nature. He was enabled to represent several individuals in different places at the same juncture of time, though possessing but one personal identity. Accordingly, each of the items was accompanied with a corresponding fee for attendance upon the original cause for the other side. One of these items would be almost incredible to the house—"Attending the lord chancellor in his private room, when his lordship begged for further indulgence till tomorrow, 13s. 4d." There were repeated charges for attendance in his lordship's private room concerning the decree, in which a variety of observations were made by his lordship, as to the terms of it; the same fee being invariably charged for attendance in the original cause. Having stated thus much upon the nature and quality of the attendances (which consisted of little more than fixing the times of postponement, and latterly trifling alterations in the terms of the decree) he had now only to state the gross charge for them in the bill. The sum was no less in amount than 1,080*l.* for these attendances alone [Hear, hear]. Upon the circumstance of this solicitor attending the private room of the court, without any other solicitor in the cause being present, he would say nothing, but leave it to the reflections of those who heard him. But, what must be the sense of that great, eminent, and pow-

erful magistrate, as to the parties, that he should the writing of a letter to upon a case depending? but that he should, to a suitor or as the phrase of another was, an orator to this pro further delay, and entreat until the morrow should be for preparation—that he should any man the audacity of him, the highest magistrate in the state, to importune particular and partial attention to the case of one suitor in a cause, things he must leave to the consideration of the House, without a sin of his own.

It was his duty next to condition of the only other from which any relief could equity to the claims of suit in them also the accumulation was of such a kind as to con in aid of his conclusion, that it be made into the causes of the so doing, he was aware that it an invidious task; but, although an office unwelcome and unglorious one from which he should dread it, but on the contrary, must even from his own profession no personal consideration should the discharge of his duty. now call the attention of the state of the court of Ex only court, in the opinion of the marquis, who proposed the which he had alluded, whether the constitution had any tendency to the higher courts. With regard to the court, he would state, not from but from what might be concluded that since the latter end of time at which lawyers return to their vocations, the Chief Baron had been excluded by illness from performing the duties of his station. It was known to the House that when the business was increasing, this Judge was by act of parliament to sit at the bench, and decide cases in consequence of his illness, it devolved upon certainly a most gentleman, Mr. Baron Graham, he, in common with others, in the most handsome terms his case, as in all others, time and work. The excellent individual he spoke had attained the age

would therefore be unreasonable to expect the despatch of extraordinary business from that honourable and aged person. The next in seniority was Mr. Baron Garrow, who, from unavoidable circumstances, had been absent from the court since February last. But, had he been present, expert and justly renowned as he was for his knowledge of common law, it would be praise most absurd, it would be irony most indecent, to say of him, that his *forte* lay in equity trials. The junior, Mr. Baron Hullock, was a respected friend of his, of intelligence and ability altogether unquestionable: but he was yet fresh in the Court, and it would be indecorous to thrust him over the heads of two others, to give judgment in this separate branch of the jurisdiction. Such was the condition of that Court, upon which he would refrain from any further remarks, excepting this, that he was not certain but that other causes, well worthy of the consideration of the House, though he would not stop to specify them, might contribute towards effecting the delay of justice.—There was another Court, besides that of the vice-chancellor, which might be considered the legitimate handmaid of equity. Between this court and Chancery there was no collision of practice. They sat at different times, and without any confusion of business. Whatever was done in this lesser jurisdiction must be clear gain. It did really assist in ridding that accumulation of causes, which no learning, no ability, no perseverance could work through. But he had this to state respecting the Rolls Court, that between the time of sir William Grant sitting there, and that of the present Master, there was a very considerable difference; insomuch, that he had been informed by practitioners that there was a falling-off in the efficient business of the court; some alleging that not one-fourth, others that not one-tenth part of the business was performed now, compared with the time of sir W. Grant. Of that excellent Judge, he could not presume to speak in terms of sufficient praise. The patience he exercised in examining, was no less than his firmness and promptitude in decision. But one feature in his conduct, which proved the excellence of his mind, was this—that he did not wait till years had manifested to all men the infirmities which he knew would overtake him. He retired with all his honours fresh and blooming, and at a time when no

one suspected in him a trace of decay. By that delay, as by the excellence of his conduct in examining and his decision, he had set a bright example to all the bench among them who valued the dignity of their employments very low [Loud cheers]. His suggestions in the courts of Equity and the Rolls suggested additional measures for carrying the motion which he proposed into effect. In the Court there was an arrears at the end of the term. Baron had sat and very much discharged the business of consequence was, that from a review of his decisions and the manner in which he delivered them, a great portion of his business had been a natural death, and dropped like a paper. He felt justified in saying that there were distinct and growing nature of the business had been his business to discharge. It was now no longer a question of saving remedy must be found to prevent a change in the present system. Men of skill and sound opinions—deliberation should be taken that, they could proceed with late; not as they had done first, and then proceed to object.

He next directed the House to the jurisdiction which formed a joint ground into the inquiry sought for. He began with the case of which it appeared that between 1813 and 1823 numbers:—291 heard; 1 reversed; 80 remitted to consideration on fresh facts. Upon the total, it appeared that the number of these appeals, appeals from the English five to one. It might form a subject for inquiry in the constitution and appointment of courts which furnished so much accumulation of appeals from which, had not some defect contributed to this result. The numbers affirmed to those sent back on some ground as 145 to 144, gave considerable support to that suggestion.—He had proposed to reserve the department



chancellor for a separate consideration. The question respecting that jurisdiction had been before the House in 1813; and he believed no gentleman who had the recollection of the debate on his mind, together with the subsequent experience upon it, would now advise waiting for the decision of the other House, or recommend the Commons again to guide their decisions by the wisdom of that body. The bill for the erection of the vice-chancellor's court was introduced into the House by the late marquis of Londonderry. It was opposed by the powerful talents and piercing wit of the right hon. secretary opposite (Mr. Canning), who exerted himself to the utmost to explode it from the table. The right hon. gentleman had very truly prognosticated, that it would turn out to be a bill for causing all causes in Chancery to be heard twice over. The late lamented sir S. Romilly had opposed it, with the force of his profound wisdom. He had said, that the true title of the bill was "a bill to give the lord chancellor leisure, and to give the suitors the right of appeal in his lordship's court." The present vice-chancellor, also, had given his strongest opposition to it. The arguments and too prophetic predictions of these able persons were all in vain. The House legislated on suggestions furnished from the other House. They did indeed legislate; but it was only to legislate again upon the effects of their own error. To that bill there was this distinct and unanswerable objection—that it had failed in the object for which it was proposed, and had produced incalculable mischief. The result which he offered, from all that he had advanced, was this:—If the House could not at the time reach to that prophetic and prescient knowledge which had been displayed by the right hon. gentleman, by his late lamented friend, and by the present vice-chancellor, at least let them claim that every-day sort of wisdom, that homely intelligence, which would prevent them from falling into the unpitied situation of being caught again in the same snare—not to legislate on the knowledge of others, and without taking any light from the experience within their reach. He strongly defended the necessity of investigating the evil, and discovering the remedy in a committee of the house. He had now discharged his duty to the best of his ability, having refrained, as much as the subject would allow, from any statements likely to be

injurious to the feelings of any without disguising those which it was material for them to know.—The hon. and learned friend then concluded, amidst loud applause, "That a Select Committee be appointed to inquire into the Business in the Court of the Appellate Jurisdiction of Lords, and the causes therein."

The *Attorney General* concluded by observing, that however valuable the bill introduced in support of his hon. and learned friend's case on the point made upon the character of the lord chancellor. Before, however, he and learned friend upon this subject felt it necessary to allude to the measure which had been stated respectively in reference to the contemplation, in reference to the business of the noble and learned court of Chancery. He had proposed that measure, but he did not move it in the other House, the accumulation of Scotch appeals was so great that it was necessary to inquire how the business could be remedied; and the objects of that inquiry was, to give the lord chancellor more time to transact the business of the court. But, it was not on account of the accumulation of business in that court that a greater despatch existed. The fact, no arrears of business existed, but there was an increase arising out of the increase of the population and wealth of the country, which produced a proportionate increase of business. With respect to the vice-chancellor's court, which his hon. and learned friend denied to give any ease to the determination of causes, he would satisfy the House that it was far from being the case. So many prophecies having been fulfilled, and so many were pronounced before the establishment of the court, as to its inefficiency, he could convince the House that its utility had been practically proved, and that his hon. and learned friend was quite mistaken in his assertion that it was allowed on all sides, at the time when the court was instituted, that the business in chancery had increased to an extent which rendered it impracticable for any man, however gifted, to keep up with the business of the court. It was, however, many, that an effectual remedy

the erection of a vice-chancellor's court. There was a difference of opinion on the subject, but the preponderance was in favour of the establishment of that court.

He was aware that the subject he had to enter on was one of dry details; but he was sure that when the House examined them, they would be convinced of the mis-statement of his hon. and learned friend as to the inutility of that court. It was evident that his hon. and learned friend had given his notice of motion first, and procured his information afterwards. His hon. and learned friend had alluded to particular cases in chancery; and he thought that, in fairness to the character of the noble and learned person at the head of that court, he ought to have given him some notice that such charges were to be made against him. He would give the House some information on those cases presently; but he must first observe, that his hon. and learned friend had stated the business of chancery to be as great now as before the establishment of the vice-chancellor's court. But how had he proved that? He said there was a certain number of causes now depending in chancery, and he called them arrears of business; but as to the great majority of those causes, they had not been set down for more than two terms. There was no court to which the hon. and learned mover could refer, in which he would not find a great number of causes depending, without any improper accumulation of business, or without any imputation on the character of the judge who presided. But his hon. and learned friend had gone so far as to allude to the age of a venerable judge of the Exchequer, in a manner which was intended to show him to be incapable of discharging the duties of his office. Now, he was of opinion that such a course of proceeding was objectionable, and that the judges of the land ought not to be dragged unnecessarily before the tribunal of parliament.—With respect to the charge of arrears of business in chancery, his hon. and learned friend had omitted all mention of lunatic petitions and of cause petitions. The House would be surprised when he stated, after what had been said of the dilatoriness of the lord chancellor, that for the last ten years there had been a great number of lunatic petitions, on which the lord chancellor had had to decide, and many of those had been contested. Lord Hardwicke in ten years, had decided on 484 lunatic petitions. The

present lord chancellor decided on 2,450 lunatic petitions, and he said that these to be considered [Mr. Williams said, that so.] His hon. and learned friend said that lunatic petitions matters of course. If that was the opinion, he could know the subject of lunacy, which was the most intricate and (as he was reminded) the most difficult learned friend near him scrupulously attended to because in those cases he decided from his judgment. It surprised that his hon. and learned friend had never once adverted to bankrupt petitions. So decided by the vice-chancellor those which were of course heard and decided by the lord chancellor.

He should now propose a quantity of business which was in the courts, and he would ask the House to say, whether there had been made upon that subject for his delay in the decision justifiable or not. In the year 1821, the lord chancellor had heard 103, and the vice-chancellor 103, and the vice-chancellor Easter-term, 1823, had heard 164, and the lord chancellor 465. From the year 1821 to the present period, 5,820 bankrupt petitions had been disposed of, and of those 5,820, 1,000 had been heard by the lord chancellor. When his hon. and learned friend stated, that these petitions were heard, he was mistaken only when cases were of course and the parties had reason to be satisfied with the decision of the lord chancellor, that they went to the vice-chancellor. The case of Gibbs, to take a recent example, of those to which he alluded alone had occupied nearly a year; therefore, the number of cases decided by the lord chancellor should not so much be compared as with a reference to the number of points involved, and which of course involved more discussion and delay than cases of an ordinary description. It had been said, that the introduction of the vice-chancellor's court had the effect of making causes to

But this objection might be applied also to the Rolls. The law had provided—wisely he thought—that the subject should have this right. The same principle applied to the appeals in the House of Lords; and if it should ever be taken away, the consequence would be, that the table of that House would groan under the weight of petitions. An objection had been made to the practice of appeals to the House of Lords, because they were, in point of fact, only appeals from the lord chancellor in one place to the lord chancellor in another; but this was rather asserted than proved. A case had happened, even during the present session, which would show that this was by no means the fact. Sir William Grant, the late Master of the Rolls, having decided upon a cause in which an appeal had afterwards been lodged in the lord chancellor's court, the chancellor decided in favour of the Master's decree; and yet, upon a further appeal to the House of Lords, their lordships reversed both those decisions. It could not, therefore, be said that the subject had no redress by an appeal to the House of Lords. Since the establishment of the vice-chancellor's court, 2,832 causes had been heard in it. Did his hon. and learned friend mean to say, that all those causes had been heard again by the lord chancellor, and that the vice-chancellor was a mere stepping-stone to the lord chancellor? That the number of appeals had increased was quite true; but the cause was, that the business had increased. Was it no relief to the suitors, that nearly 3,000 causes had been heard by the vice-chancellor since 1813, which could not have been heard by any other means? It was not for him to panegyrize the noble and learned lord who had been spoken of. That would be equally useless and unnecessary on the present occasion; but he would say, that no man could have proceeded with more despatch than the noble and learned lord had done. He had heard, in the course of ten years, 1,350 exceptions and further directions, 475 pleas and demurrers, 2,987 petitions, and 16,000 motions. The House would not say the lord chancellor had been idle when they learnt that, during the ten years, the lord chancellor had, upon an average, disposed of 150 bankrupt petitions, 250 lunatic petitions, 560 motions, 450 cause petitions, and 47 appeals. When he talked of motions, he would not have it supposed that they were motions

of course. He spoke in the hearing of many persons who practised in the court; and they would bear him out when he said, that many of these motions went to decide the fate of the cause. In injunctions, for instance, the whole merit of the case was decided upon motion. The same observation, too, would apply to motions to stay proceedings. In petitions, by way of appeal from the Rolls or vice-chancellor's court, the whole merits of the cause were brought into discussion, and a decision often pronounced upon the petition. He trusted this statement would satisfy the House, that the vice-chancellor's court had operated greatly to the relief of the suitor, while the option of appeal was satisfactory and useful, when parties were dissatisfied with the decision of their causes. His hon. and learned friend had said, that the business of the court of Chancery was formerly well conducted by one judge; but he had not stated in what proportion the business of that court had increased since the period to which he referred. If he had said, that the arrears were then as much in amount as was now disposed of by the vice-chancellor, he would not have been far wrong. The increase in the number of bills filed in chancery would best show this. In 1801, there were filed 1,445; in 1805, 1,531; in 1810, 1,793; in 1822, 2,489; and in the present year there had been already 1,058 bills filed.

His hon. and learned friend being, as he trusted he had shown, not borne out in his statement that the vice-chancellor's court was of no use, had next endeavoured, by mentioning certain causes, to make out the charge of delay. Feeling that a graver or more important topic could not be submitted to the consideration of the House, he should proceed to notice some of these. The first was that of *Brown and De Tastet*, which had been originally determined by the Master of the Rolls. It would be in vain to attempt to detail the particulars of the case; but he would state, that the expenses of a reference to the master, which upon the hearing of the appeal the chancellor had directed, amounted to 500*l.*, while the result of that reference fixed Mr. De Tastet with the payment of 63,000*l.* To this report, which had been made with great care and ability by master Stephen, Mr. De Tastet had, in the language of the court of Chancery, excepted; the vice-chancellor's decision upon these exceptions were ap-

pealed against; and ultimately the lord chancellor had sent the accounts again to another master, the hon. and learned member for Exeter (Mr. Courtenay). The cause of Fillingham and Bromley, it was said, had been hung up many years, but this was the fault of the suitors, not of the chancellor. Though he (the attorney-general) was not in the cause of Whitechurch and Holunthy, he happened to be acquainted with the particulars of it; and he knew that it involved many conflicting decisions, and was one of great nicety. The question was, whether the lord of a copyhold manor had a right to cut timber on the estates of tenants holding for life. The House would see that this was a question of great importance. Lord Holt had pronounced a decision in the court of King's-bench, the validity of which the lord chancellor doubted. The case of Powell and Sergeant was one of a demurrer; and the House must remember, that a demurrer in Chancery was very different from a demurrer in a court of law; in the former it tried the right of the plaintiff to relief. As to the case of Ware and Horwood, it was a case which had been often heard of before; and if his learned friend wished to amuse himself by diving into equity reports, he could furnish him with two or three hours reading of the reports of this case. His learned friend had objected to the charges of attornies for attending the courts when they were there on other business; but he would ask him, whether this was not the usual practice in the profession, and whether attornies who had more causes than one at the assizes, did not always charge for each of them? His learned friend had stated, that the bill for attendances alone amounted to 1,030*l*. So far from this being the fact, the whole bill was not more than 1,000*l*., and the charge for attendances allowed by the master amounted to little more than 100*l*. The total sum taxed and allowed was only 561*l*. He had therefore good reason to complain of the statement of his hon. and learned friend.

He now came to the charge which had been made on the noble and learned judge who presided in Chancery, and to whom he conceived that in justice some intimation ought to have been given of the intention to make such a charge. What could possibly be imputed to a judge of a more grave and serious nature, than to say, that he had pronounced a

decision, on the suggestion of the parties, and behind the scenes. When there was a case pending in Chancery, it was the duty of the chancellor to hand the minutes of his decision to the parties to receive information on the subject, and to receive further information on the subject before the final decision. But, whatever might be the duty of the lord chancellor on the subject, he believed, that the man had ventured to interfere with the law and justice. This was the first time any one had ventured to object to his decision had been made on the application of a party, and a serious decree had been made by his hon. and learned friend. The difficulty of adducing evidence in those cases in which the parties were under an obligation to produce their cases would be precluded, he would ask, had he not decided cases, seeing the objection of that kind was not applicable?—His hon. and learned friend was not content with the charge which had been made upon the chancellor, but he had next proceeded to attack the baron. It was true, the baron having been afflicted with illness, at the end of the year he had been compelled to retire from his court; but he had discharged his duties, and had performed his duties during the whole of the year. Would it be said, then, that the illness of one of the judges caused any serious delay to the business of the court? The allusion had also been made to the infirmities of another judge, Mr. Baron Graham; but it was collected, that neither he nor the other had been from the faithful and regular discharge of the duties of his office. It was objected, that barons Gurney and Alderson, not being equity lawyers, could not decide upon causes in the court of law as well as of equity; but it must be remembered, that it had always been usual for judges versed in each branch of the law. His hon. and learned friend alluded to the ill health of the judges of the Rolls; but, beside the illness furnished no justification for the removal of a judge; no place in the proceedings, seeing that there



ness. Besides, as the subject of appeals was now under the consideration of the House of Lords, the place in which it was most capable of being decided, there was no sufficient reason for commencing an inquiry in that House. The accumulation of Scotch appeals was, in fact, the great cause of the delay complained of; and he might state, with confidence, that the manner in which those appeals were decided, had given the greatest satisfaction. Scotland never was in a situation in which its appeals were better or more impartially determined. It was well known, that appeals came from Scotland to the House of Lords upon all occasions. That was an evil which might require a remedy; but what had it to do with the vice-chancellor's court? The increase of business in 1815, had showed that his hon. and learned friend was mistaken in his opinion. It was felt, that no single judge was competent to discharge the duty which devolved on the court of Chancery; and, in consequence, the vice-chancellor's court had been established in 1812.—But his hon. and learned friend had argued, that the business of the suitors was so much delayed, as to render an inquiry necessary. How stood the fact? Why, the causes now set down for hearing were only of the date of the last, or of the preceding term; and those who knew any thing of the profession must be aware that it was impossible every cause could be tried the moment it was ripe for hearing. His hon. and learned friend had wholly failed in showing that there was a culpable arrear of business, and therefore he had failed in establishing a just ground for an inquiry.—In the course of his speech, his hon. and learned friend had argued, that no measure, with respect to Scotch appeals, ought to be received in that House without a previous inquiry. But, would it not be better to wait the result of the inquiry in the other House, before he urged that point? There was an inquiry going on there with respect to Scotch appeals; and it must be allowed, that that was the most proper place for proceeding with such an inquiry. When this was the case—when the other House had determined to examine the subject—surely an inquiry of the nature suggested by his hon. and learned friend would be introduced a little unnecessarily into the House of Commons. If his hon. and learned friend, in bringing forward this motion, merely wished to state his opi-

nion of the noble and learned head of the court of Chancery, opportunity for doing so had been given him; and, beyond all question, he had taken ample advantage of it. He ever, viewed the exertions of his hon. and learned friend in a light very different from that of his hon. and learned friend. He was convinced that the vice-chancellor had done as much as could possibly be expected from him. Observing no arrear that might be accounted for—knowing, that the subject of Scotch appeals had been scarcely adverted to by his hon. and learned friend, was a matter in the other House—he objected to the present motion as being unnecessary, and would sit down with giving it a negative.

*Mr. M. A. Taylor* commenced his speech, saying, that this was a question of the most serious attention to the House; and he would, for the satisfaction of those who had not considered it, place the facts in the simplest possible compass. There was a subject brought forward in that House, which stood on stronger ground than any other. He and other individuals had introduced it; for they felt it to be necessary, that an inquiry should be introduced into the general practice of the court of Chancery, and into the jurisdiction of the individual heads of that court. The lord chancellor, who had entered into a discussion with some degree of warmth, supposed that the hon. gentleman who brought forward the motion had made some invidious allusion upon the eminent individuals of the court of Chancery, as well as several of the judges in Westminster Hall. Now, for his part, he did not think his hon. and learned friend, in bringing forward the present motion, had stated a point that could be construed as invidious towards any individual of Chancery, or any other court. He admitted, that the lord chancellor's position was very high and a very important one, but if it were to be said, when a subject of immense importance was brought forward, "Oh, this nearly relates to a person of great rank and consideration, and I will not touch upon his conduct, for I am traying an invidious feeling, therefore you must forbear from mentioning the subject," there would be

once of all inquiry into abuses. He, however, would not be deterred by such considerations, but would speak his opinions fearlessly. In the year 1811, he had moved for a committee on this subject, and a committee was appointed to inquire into the causes of the delay in the exercise of the appellant jurisdiction, and the general delay of business in the high court of Chancery. That committee sat early in 1811, under the auspices of the late Mr. Perceval, the then leading minister of the House of Commons. But, of the 21 individuals who were nominated upon it, a considerable majority were hostile to the inquiry: and amongst them, were three masters in Chancery, who were themselves implicated in the matters to be inquired into by that committee. He (Mr. Taylor) was allowed to state the arrear of business before the committee; but when he wished to expound the causes of that arrear, the three masters in Chancery, who had never attended before, came down and said—"You must proceed no farther; you must not accuse the lord chancellor." His lamented friend, sir Samuel Romilly requested them to look at the resolution under which the committee was appointed, but all their reply was, "What of that? You must not proceed in the course you have proposed." And, out of 21 members of the committee, no less than 13 coincided in this opinion. He had then moved the House, that there should be an instruction to the committee, directing them to inquire into the cause which retarded suits in Chancery, and delayed decisions in cases which came under the appellant jurisdiction; but that motion was lost by a majority of 90 votes. The House of Commons was lauded as being very pure indeed: but he knew not what would be said of them when they thus conducted themselves, when they allowed a statement of the arrears of business to be made, but refused to hear any exposition as to the cause of those arrears. What was the reason of this refusal? Why, he heard at the time, and he heard it from good authority, that the lord chancellor declared, "if an inquiry into the cause of the delay were conceded by the house, he would give up the seals." It thus appeared, that no motion relative to the court of Chancery was to be supported, for fear it should hurt the feelings of the lord chancellor. But he could assure the gentlemen who now heard him,

that they might vote before the House, with degree reflecting on, o chancellor's character. period, when he had br subject, he was left, it nority. The majority four; and the number the late much lamented had observed, that the nearly carried. He surprised at the result had expressed that s who immediately said, 'be surprised? You kn cellor is the individua whole government toget lested, he will give up there is an end to the g hon. and learned friend ed by the attorney-gene information from bad so that his hon. and learne so; and he would cont vances pointed out by h ed friend did really ex waited on him (Mr. Ta the deplorable situation their families were place of the delays in Chanc to see their solicitors, i tain from them the fi clients stated, and whic of investigating; but th from prudential motive The expence incurred Chancery, in consequer was enormous. The ca De Tastet, which was ar Master of the Rolls, had per ever since the year l decided until last year. of charity was entered, v heard by the Chancell was not heard last year. consider what the expen really was. Doubtless t prised when he told th fees alone were 130%. a case on the paper. W lieved in this court? was it not at the expens the property for which And yet this was descri lightful court! Was it would ask, to inquire that delay—of that tec tion—by which a griev entailed on suitors in C a proverbial saying, it

but the universal report, and a subject of deep execration, that he who ventured into this court was ruined by its proceedings. Was not that, he demanded, matter for consideration and inquiry? The masters in Chancery were complained of by the suitors, and the former complained of the solicitors. Was not this a subject that deserved inquiry? Ought they not to see where the fault really was? For that purpose a committee ought to be appointed, free from the presence of masters in Chancery. Had such a committee been formerly granted him, he would have shown, that cases had remained undecided for 30 years, which with a little attention might have been settled in ten days. Thirty-four years had elapsed since he practised in the court of Chancery, and gentlemen whom he then knew to be entangled in its proceedings had not yet escaped from it. In short, there was no getting out of it. And yet the attorney-general had described it to be the most excellent court in the world! He admitted that some business was done in the vice-chancellor's court. It would be most strange if that were not the case. But that court was not likely to expedite business; for individuals would always be anxious for the lord high Chancellor's opinion. Where there were two contending courts, litigating parties would never be contented till they obtained the opinion of the higher jurisdiction. He had given his opinion most distinctly to the lord chancellor on this subject. He had told that noble and learned lord, that the business was too extensive for any one individual; and he had expressed a wish, that a portion of it should be allotted, not to a deputy, for that created too much delay, but to a regular court. He had also urged the separation of the bankrupt cases from the ordinary business of the court of Chancery; but this could not be done. What was the consequence? Why, the consequence was, that every day the bankrupt petitions stood first on the paper. What was the reason? Simply because the profits attending those petitions were too great to be parted with. As for the proceeding of the House of Lords on the subject, their Report was one of the most flimsy compositions he had ever read. The vice-chancellor's court was to have done every thing; but had it cured the evil? On the contrary, the evil still continued in greater force than ever. Was not the failure of that expe-

periment a ground for inquiry, was his intention to cast the lord chancellor, of whom industry he was well aware, as he was chargeable with that whole court and its part on his own hands, instead of dividing the public good. The attorney had talked of the increase of the court of Chancery; but that there were as many bills annually, within 200, in lord Hardwicke's time as at present. He came in 1737; in 1745 there were 1,174,6, 2032. There were not 100,000 sterling in the hands of the attorney-general; whereas, in lord Hardwicke's time, the amount was only 100,000. The hon. member then enumerated several cases in which the expense of legal proceedings had impoverished the property of the owner. In one instance, an unfortunate man told him that he had a sum of 10,000l. in Chancery, but that it would cost him 10,000l. to get it out. Another person had a sum of 2,000l., which he had netted but 700l. Were these advances such as these fit subjects for a serious inquiry? The aggregate misery which was thus inflicted on the country by the interference of parliament in the suitors was robbed, who were slow of the Chancellor's time, and the thing else connected with the court, had a right to demand redress from parliament. The House was the guardian of the public purse and of the property of the country, and it ought to be the protector of the property of the country. He was convinced that if a list of the names of those confined for debt during the last 10 years were made out, it would show that the misfortunes of many of them arose from difficulties by their being plunged into the court of Chancery. What was the reason that persons were so often complained of that court? Would such be the case if the court were properly conducted? He knew of an instance where an individual, who had a claim for 4,000l. had asked the court for the best means of procuring satisfaction, and he was told him that the most eligible would be, to submit his claim to a reference. To whom he alluded made the proposition, it was refused; and he was told, "If you don't agree to it, I will hang you up for two

the court of Chancery!" And in truth it was in his power to do so. But this was a state of things which should not be suffered to exist. This, however, was the court in which, as the attorney-general stated, there was no delay; where no injustice was inflicted—which was, in fact, a complete legal elysium. He entreated the House to agree to the motion, seeing that a most complete ground had been laid for a full investigation of the subject.

Mr. Denman said, that as this was a most important question, and as he observed that some hon. gentlemen on the other side had been busily engaged in taking notes, he wished the House to have the benefit of them, and would therefore move, that the debate be adjourned till to-morrow.

The House divided: For the adjournment, 59; against it, 120. After this motion had been disposed of, Mr. Grey Bennet moved, "That this debate be adjourned till Friday." Upon this the House divided: Ayes, 49; Noes, 133. Mr. Ross next moved, "That the debate be adjourned till this day six months."

Mr. M. A. Taylor warmly opposed the motion. Was this, he asked, to be the answer to the suitors who were suffering martyrdom by the delays of the court of Chancery? Were they to be told that their complaints should be investigated six months hence? Such a motion was no friendly act to the noble and learned lord at the head of that court. It was to be represented that he, pure and unsullied as he was, trusted his defence to a six months' adjournment. He (Mr. T.) had personally no other feelings but those of regard and respect towards that noble and learned lord; but, if he were his bitterest enemy—if he wished to destroy his well-earned fame—if he wished to see him go down the page of history tainted and dishonoured—what course better adapted to attain that result could he pursue, than the motion brought forward by the noble lord's professed friends on the other side? He believed the noble and learned lord was essential to the existence of the motley administration of which he was the chief member. It was he who cemented the tinsel patchwork of the orange-liberal-protestant-catholic administration of the day; and his coadjutors were now going to declare, that they dared not defend the noble and learned lord's conduct on just grounds! The noble and learned lord would treat his friends as they deserved.

He would reject their claim. He would tell them you are a rope of sand, and defend me, or cease to defend me, or cease to defend me.

Mr. W. Courtenay also existed on his side of the discussion; but it did not appear that the hon. gentlemen might call at, and called on to spend the patience of their opposer. He begged his hon. friend to move the motion, and consent to adjourn till to-morrow.

The motion was the subject of the debate was adjourned.

## HOUSE OF COMMONS

Thursday, June 5, 1841.

### BARILLA DUTIES.]

Mr. Bernal presented a petition from the merchants and importers of Barilla. The petitioner stated, that previous to the importation of barilla the duty was 10s. per ton, but last session the duty was reduced to 5s. which reduced the duty on kelp manufacturers of Scotland. The petitioner memorial to the Treasury, that the duty might be raised to 10s. The duty was sorry to understand that the Treasury was inclined to lend a friendly ear to the request. The petitioner thought the question might be referred to a committee, to inquire whether it was expedient to raise the present duty. It was but fair that those who had sent out orders for barilla should be satisfied that the duty was not raised to five guineas, should be allowed to revoke their orders. He observed, that nothing should be done to distract the principles of the frequent changes in the policy of ministers on the subject of trade.

Lord G. Somerset vindicated the conduct of government, and said that the distresses of the petitioners were exaggerated.

Mr. Bernal complained of the policy of ministers, and said that it was injurious to trade.

Mr. Campbell said, that the distresses of the petitioners were exaggerated.

Mr. Ricardo said, that the distresses of the kelp merchants were exaggerated, but that ministers were bound to take that circumstance into consideration, and they lowered the



believed that those distresses were caused rather by the reduction of the salt tax, than by the competition of the barilla merchants.

Mr. C. Grant said, that if the intended increase of the barilla duties was unjust, the lowering of those duties last year was a gross act of injustice to the kelp manufacturers; because it was provided in the salt tax repeal bill, that no alteration should take place in the barilla duties; and yet, in a month afterwards, a bill was introduced which had the effect of reducing them one half.

Mr. Hudson Gurney said, that this did seem a measure of most crying injustice, as well as of impolicy. The kelp manufacturers, on their own shewing, would reap little benefit from it, and all the advantage they appeared to hope to reap from it, was the compelling the purchase of their bad articles, which they found unsaleable when better was to be had. He was informed that good kelp still sold readily, and with no greater reduction in price than had taken place in barilla. But, in fact, the barilla was chiefly necessary to the soap manufacture in London, where kelp never had been used; and it was most monstrous to tax the soap of the people of England—an article of the first importance to the health, the cleanliness, and the comfort of the community, because bad kelp, from certain parts of the coasts of Scotland and Ireland, would not sell.

Mr. E. Ellice said, it was matter of regret to see regulations affecting trade brought in one day and repealed the next—a policy which embarrassed commercial transactions. It had been admitted, that the advantage of the measure to the kelp manufacturers was doubtful: but the injury to merchants and importers of barilla was positive. It had latterly been the policy of ministers to place restrictions on importation—a policy which was most injurious. The measure, if carried, would be fraught with injustice.

Ordered to lie on the table.

COURT OF CHANCERY.] On the order of the day for resuming the adjourned debate upon Mr. J. Williams's motion, "That a Select Committee be appointed to inquire into the Arrear of Business in the Court of Chancery, and the Appellate Jurisdiction of the House of Lords, and the causes thereof,"

Mr. Denman rose. He could not, he

said, in any degree re-  
which he had adopted in  
porting the adjournment  
till this day, in order that  
be fully gone into before  
to a decision upon it  
fied that if they decided  
and better information  
had been afforded last  
speech of the hon. and  
man opposite, it would  
cause of general discontent.  
To him it appeared, that  
statements of his hon. and  
who made the motion, were  
satisfactorily answered  
the attorney-general; but  
that that hon. and learned  
had given a satisfactory  
the case, there were still  
additional and important  
in the speech of the  
Durham (Mr. M. A. T.)  
given so much of his  
important subject—where  
moved for committees  
it—and who had detailed  
the tricks and stratagems  
object had been defeated  
facts stated by his hon.  
peated, called for an answer  
gentlemen opposite, as  
they erroneously seemed  
the statements made (on  
man's) side of the House  
personal as well as judicial  
lord chancellor. In either  
they took those statements  
meant in one, it was in  
that that noble and learned  
racter should be fully  
could not well account for  
hon. gentlemen opposite  
to further discussion upon  
If they intended to  
committee of inquiry,  
matters alleged could be  
then, indeed, their conduct  
to protract the discussion  
sistent and proper. But  
to stop all inquiry, to  
by which the evils could  
be ascertained to exist  
any thing, he would ask,  
than their suffering suffer  
had been made to go forward  
without one word of  
comment? When he  
speech of his hon. and  
received no sufficient

the attorney-general, he did not mean to deny the great acuteness and subtilty of that answer; but it was acute and subtle only in being an answer to a charge which was never made—in being a defence of a character which had not been attacked. The hon. and learned gentleman went upon the assumption, that a personal attack had been made upon the first law-officer of the country—the most powerful subject in the state. In that view the hon. and learned gentleman's speech was ingenious and correct; but it seemed strange that he should make such an assumption. In the speech of his hon. and learned friend, the mover, there was not a word said, or an imputation made, of personal corruption in the high officer alluded to. No such idea, he was satisfied, had entered his hon. and learned friend's mind. No such conduct had been even remotely imputed to the noble and learned lord; and, if there was any one thing which more particularly than another characterised his hon. and learned friend's speech, it was the temper and moderation with which it was urged to the House; for on no occasion, he believed, was such a detail of grievances laid before them with less implication of personal character than on the present.

His hon. and learned friend's statements were powerful and affecting, and calculated to impress every man in the country to whom they might have been correctly reported, with the existence of crying evils and the necessity of their immediate remedy. The House of Commons was, in his opinion, in some degree pledged to institute an inquiry, by the steps which they took upon a former occasion. On that occasion, a new officer had been created in consequence of the great mass of business to be done, and the arrears which had accumulated. If it was now notorious that those arrears had increased, notwithstanding the former attempt to remedy, then was the House bound to inquire into the cause of this unfortunate state of things, which had existed for many years. It was of the utmost importance to know whether the fault of the delays complained of rested in the conduct of the individuals acting in the court, or arose out of the system adopted by the court itself. If the former, then it might be necessary to bring some other measure before the House; but if the latter was the cause of the evil, then it would be necessary to probe

the system to the bottom to its remedy. Let members recollect the property which now of the Accountant-General of Chancery—a sum of three millions! Perhaps one man who then he not, in some one way or other, connected with proceedings as guardians, or trustees, which they might represent of others, and possibly connected with it, a suit which hung up in nine or ten years after a party was admitted, the final judgment made, and the individual property system of the court, for right, until he was not enjoy it. Let hon. members recollect what was the great part of the count of that court. Scarcely a was there, of which he not interested in proceedings in court, and in habits of connection with it; and who, while this world for ever, had to that family his Chancellor all its doubts and uncertainties. House recollect, that in this numerous class, the and their descendants, brought before them for consideration.—His hon. friend was last night told that he brought all his cases from one solicitor. He could not but have the cheers of hon. gentlemen when that fact was stated, when that fact was stated not meant to be insinuation that the office was worse off than in respect to its Chancery than that any distinction was made in the distribution of justice in the court to the clients of one solicitor. That would be a reflection on the court which he supposed he could not make. If, then, six or seven years, of delays almost in the administration of justice, the putting off the acquittal of the rights of the individual no longer in a condition to be satisfied, if, he repeated, these were the cases which occurred in the office, he saw no reason why they should be admitted as specimens

of the proceedings in the court of Chancery, or why it should be inferred, that there were none such in other offices. One thing was certain—it would be impossible in that House to go through all the cases which had occurred, and which might be cited; and if they were cited, many of them (he spoke it with all respect) could not be understood by hon. gentlemen, who could not be supposed to have given much attention to such subjects. In what had been cited, however, he thought there was quite enough to astonish any man, with the fact that such proceedings could take place in a country like England—that such evils should be suffered to exist, without an effort to ascertain their cause, and to provide a remedy. It had, amongst other things, been objected to his hon. and learned friend, that he had given no previous notice of the particular cases he intended to cite. Who ever heard of such an objection before? Surely, when his hon. and learned friend gave notice of a motion on the subject of the practice of the court of Chancery, it must be presumed that he would cite some cases. But, suppose he had given notice of the particular cases he intended to mention, in common courtesy he ought to expect some notice in return of the kind of answer which was intended to be made to them. There would then be a reply: next a rejoinder; and thus so much time would be taken up in previous pleading on both sides, that no time would be left to bring the question before the House. The hon. and learned attorney-general had mentioned the case of Ware and Horwood, as one of which some notice ought to have been given. But surely if it was in the court so late as 1821, an allusion to it now could not be said to have taken any one by surprise. As he had mentioned this case, and as perhaps there were some hon. members who were not in the House when it was first stated, he would, for their information, repeat it. It appeared, from the affidavit of one of the parties, that it had been in the court nine years—that it had stood at the head of his lordship's paper two years and a half ago, but that it had so often been postponed for other causes which had no right to be there, and judgment so long delayed, as to have produced fatal consequences on one party immediately concerned, which he would notice hereafter. In con-

sequence of these frequent j the attorney or solicitor, the parties, that inferior office high court, ventured to write letter on the subject to the cellor, the highest judge, the most influential subject in the land. The certainly a great impropriety. There was a great impropriety in writing it privately—an impropriety of the meanness, which no judge ever descend to, of alluding or to an anonymous letter. The answer was open to the suspicion; not that there could be any suspicion in this case; not that the idea of that kind entered his mind. The only answer should be, to call it into open court to be heard. It was not an anonymous letter. It was written by the party writing it, and was signed "My lord; my clients have given me leave to complain of the great injury done by them in consequence of their not keeping their station at the head of your lordship's paper."—And they not kept their places? It was right to be at the head of the list. No person should have removed. And when the House heard of the case, it would of itself be the ground of inquiry, as to the conduct of the officers of the court. It should be allowed to interfere with, the business of suitors. The letter went on to say—"I have nearly seven years since they have been waiting for your lordship's decision, and upwards of two years and they had arrived at the top of the list, at which place I heartily expect they may, until you can decide whether they remain. There is a fund of 10,000*l.* and upwards, locked up, which your lordship decides in these cases. It is painful to me to state to you that I have learnt from authentic sources that I have no reason to doubt, that for whose benefit these suits have been instituted twenty years ago, died at an advanced age, on account of being kept in the court, his property"—yes, this unfortunate person, like the infant in the play, a violation of the unities, was at the first act, and a greybeard at the fifth—this unfortunate person, an infant at the commencement of the suit, grew up to maturity, and before its close—"and I have written this against the bitter feelings of his

In consequence of this letter, the lord chancellor sent for the writer to his private apartments, and there without consulting the solicitor on the other side, took minutes of his decree. This most certainly was wrong as a precedent; though he by no means imputed any corrupt motive, the thought did not enter his mind. The decision in the case might have been most just and equitable; but it should have been given two years and a half before—before the individual for whose benefit it was intended had perished in despair of obtaining it. Really, after so frightful a history of the consequences of delay as this—and after seeing the ghostlike forms of the suitors that were daily moving about the court of Chancery, miserable, heart-wearied, heart-broken, their hopes blasted and their fortunes squandered—the admirable description of the poet Spencer, would not appear an exaggeration:—

“Full little knowest thou that hast not tried,  
What hell it is in suing long to hide;  
To lose good days that might be better spent,  
To waste long nights in pensive discontent;  
To speed to-day, to be put back to-morrow;  
To feed on hope, to pine with fear and sorrow;  
To have thy prince's grace, yet want her peers;  
To have thy asking, yet wait many years;  
To fret thy soul with crosses and with cares;  
To eat thy heart through comfortless despairs;  
To fawn, to crouch, to wait, to ride, to runne,  
To spend, to give, to want, to be undone.”

To relieve, however, his hon. and learned friends opposite, from the pain they seemed to feel at the supposed monopoly of delay in a single office, he should state a case from another office, which had been that day put into his hand by accident, as it was not known that he should take part in a debate in which he was indeed little qualified professionally to speak; though it was one in which any man, in which every man was interested, and able to give an opinion. The case was that of Collis and Nott. This was a question whether a surety paying off a bond, and not taking an assignment, could claim as a specialty or a simple contract creditor. The master decided for the specialty, and in 1817, the case was argued by the late sir Samuel Romilly; and in last Hilary term, when the chancellor was pressed for a decision, he had entirely forgotten it [hear!]. The case was then re-argued again, at considerable expense to the parties, and it was still undecided. The original bill in the case

was filed in 1792 [Hear this, he would ask, a statute ought to be allowed to the House, by what it had committed the principle of interest. It was found that the parties were in arrears. Here was the case. Here were cases from year to year, and the years' standing still and not understanding what was quibbling (for he liked their right names) kind of there was now no arrears in the court of Chancery—that there were many of them cases. “Why, surely, I say to the suitors whether the case was new or old, if their case were delayed by then it was idle, then, to talk while the contrary fact was in the face in so many instances said that there was a great business of late years, in the increase of population. This were so, it would be going into a committee, that increased business despatched, without unduly delaying the suitors. But he did not see that increase of business in former years. There were arrears of business in the court. In the court in which he found that the distresses were not very favourable of business. There were some old papers hung up in cases still pending; but in Chancery, there were so many, as to resemble the musty, as to resemble the manuscripts, or any other paper coloured to imitate age. Thirty, or forty refreshment time, while the counsel were looking at their briefs, as sure they would not come.

There was one other case he had heard of in the court in which he would state to the committee pointed out some of the system of delay. It was a question of certain parties admitted as creditors to a bill. The lord chancellor, the habit of doing, to the two of the learned law. In the interim into the hands of a



judges gave their opinion promptly, that in law the parties were entitled to be admitted as creditors. No judgment was, however, given by the lord chancellor, and the matter remained over until the banker who held the dividends failed. His lordship then allowed the parties to become creditors to the effects of the second bankruptcy; but, still doubting upon the point of law raised in the first instance, he consulted two other learned judges, and they also gave it as their opinion that the parties had the right. In the mean time the dividend in the second bankruptcy was paid into the hands of another banker, to await the decision in Chancery. That decision was delayed, notwithstanding the opinions of four of the judges which had been taken on the law of the case. At length, the second banker and holder of the dividend became himself a bankrupt, and thus were the original parties to the suit deprived of this shadow of a shade, and cut off from all reasonable chance of ever recovering any portion of their money! [Hear, hear]. Was not this an injury to those parties, which an early decision might have prevented?

It had been last night objected to his hon. and learned friend, that he had made an attack, not only on the lord chancellor, but also on other judges in Westminster hall. His hon. and learned friend had never made or contemplated such an attack. He had talked of inconveniencies arising from delays in other courts, which could be clearly established, but for the unwillingness of individuals connected with those courts to interfere in pointing out the evils which they felt to press there. This was a very natural feeling with many. He did not say that they ought to dread any thing from the judges; but it was impossible entirely to divest themselves of an unwillingness to be known as interfering. He, however, in the absence of that particular information which would be so desirable in some cases, was not sure that the best ground for the committee would not be the notoriety of the case. This was the opinion of every gentleman connected with the Chancery bar with whom he had communicated on the subject. He did not know what others would say from their own knowledge; but this he would say, from the information of many gentlemen of the Chancery court, that the evil was admitted by them in its

full extent. They said, "W of the evil, but you gentle House of Commons do not to go about getting the pro action on it. You will be foil foiled there. You will be great quantity of business do mense number of petitions most of these are done with the pen." Certain it was, the of business despatched in could not be decided by the petitions heard. Many of matters of course. Of this he understood, were most of petitions. That all such pet not made matters of course, concerned in the Portsmouth found to their cost. And he not avoid saying a few words as applying to the question House. In that case he w that eight years might have b eight years of painful litiga the parties, and of great lord Portsmouth himself. T facts stated, when the case before the court in 1814, u in his belief, any other ju land would have given a decis immediately to the issue of lunatico inquirendo. True, so facts came rather awkwardly court, and there was some c in the testimony; but still he tend there was sufficient to ranted such a decision as had come to. The very marriage i the circumstances, would ha such a decision, which would vented the infamous treatmen the noble lord had been su those who had wickedly entr on that occasion, would hav against the risk of leaving, h fortunate nobleman died in th a little lord Portsmouth behind connected with his blood, as of any member then in the Ho it not most grating to one's fee in a country like this, such w should have been allowed to be pe when all might have been prevent ing the case, as it ought to have l jury in the year 1814? He loo this as unfortunate, not only as have affected the continuance marriage, but as it might have the crimes which followed it, recent disclosures, so much calc

pollute the morals of the country. When the unfortunate nobleman was brought from Edinburgh last summer, did not the lamentable tale he then told fully justify the sending his case to a jury? And yet he was left till the May following without that protection which the law ought to have thrown around him. When, in the month of November last, the case was brought before the Chancellor, there were six and twenty hours consumed in speaking on it; but he would venture to assert, that his learned friend (Mr. Wetherell) had not been addressing the court more than twenty minutes before he had made out a case fully sufficient to warrant the issuing a writ de lunatico inquirendo. The case of the adultery was not necessary to have been gone into; but even if that were material to the case, still he would repeat, that in 1814 there was evidence sufficient to warrant a decision, which would have spared the unfortunate nobleman eight years of grievous suffering [Hear, hear].

He would now return to the charge which had been made against his hon. and learned friend, of having attacked the character of the other courts of equity. How was it possible to look at the delays which occurred, without alluding to those courts? His hon. and learned friend had alluded to the delay of business in the court of Exchequer; but he had not done so with a view of throwing blame upon any particular quarter. He had stated the fact with the view of having some remedy provided. He had stated, that the chief baron of the Exchequer having been prevented by illness from attending, for a time, to the business of the court, that duty had devolved upon the judge next in seniority, Mr. Baron Graham—who, his learned friend said, from his great age, was not qualified to undertake such heavy and such constant labour. His hon. and learned friend had not said one word against the character, the goodness, or the great merits of the venerable judge; he had, as all who knew that amiable individual must, fully admitted his many excellent qualities. For his own part, he would be the last to brook any attack upon one whom he so much revered. Independently of the marks of personal kindness he had received at the hands of that learned judge, he respected and admired him for his talents and his virtues. He was now at an advanced age of a life, a great part of which had been spent in

the strict, diligent, and charge of the important high station. His was which he might say in poet—

“An age that melts with us  
And glides in modest innocence  
Whose peaceful day benevolence  
Whose night congratulating  
The gen’ral fav’rite as the  
Such age there is, and who

No attack had been made on the judge. His learned friend stated the facts—that from his age he was not qualified to perform the labour of a constant judge, and the additional duties which were imposed on him; and though some reason to complain that the courts were not provided for their cases, there was no reason to believe, who had more plain than Judge Graham.

In regretting the ground which had taken place in the court of Chancery, he would not dwell on the topic of the doubting mind of the learned lord at the court. He would mention that he thought it was an aggravation—that the noble and no such doubting mind of some opportunities of consulting the noble and learned lord; and could judge, he had found the learned lord acting from giving his opinions promptly. In another court, he had pronounced, without any hesitation, upon the most important points, upon which he might well be said—“*nunquam dubitavit, et quicquid dubitavit iterum dubitet.*” To remember, that they had on one occasion, been occupied several hours in anxious discussion of his Majesty to expunge the Queen’s name from the statute, were very many, and among them a learned member for Oxford, that such a power was in the Crown, and the House of Commons took opinion upon it until it came under serious consideration. No Chancellor. He decided without hesitation, that he was in the right; and so convinced the noble and learned lord seem to be of that decision, that

condescend to state the reasons by which he arrived at it. During the proceedings before the House of Lords in the case of the late Queen, he had witnessed several other instances of the noble and learned lord's promptitude of decision. On the arguments which had been urged to show that her Majesty was entitled to all the privileges of a queen Consort, even in a trial for high treason—the noble and learned lord had no manner of doubt—he decided without hesitation. Even when it was asked to grant to her Majesty a specification of the particular times and places of the several charges against her, the noble and learned lord had no doubt whatsoever that they ought not to be granted—that her Majesty ought not to have that notice of the particular charges—ought not to be put into that situation, with respect to the means of meeting them, which the learned attorney-general had last night contended, ought to have been given to the noble and learned lord himself, with respect to the cases cited by his hon. and learned friend in the course of the present debate. No. All those privileges were refused by the noble and learned lord without doubt or hesitation, and the noble and learned lord left the illustrious lady to whom he had once stood differently affected, to be thrown upon the wide sea of accusation, and tossed about in every way in that storm of calumny, with no means of rebutting the atrocious charges with which it was attempted to run her down before trial. He would give one or two other instances of the noble and learned lord's promptitude and want of hesitation in his decisions. It was now acknowledged, that there was no other protection afforded to literary works, but the injunction of the lord chancellor to restrain others than the author from publishing them without authority. Actions were too tardy. It was by prevention alone that this species of property could be guarded. Mr Lawrence, a gentleman of science, skill, and of a most enlightened and philosophical mind, had delivered lectures on the physiology of man, at some institution, which were pirated by some bookseller. Mr. Lawrence applied for protection. The chancellor immediately said, "I doubt—I am by no means sure that if you go before a jury they may not find, in some corner of this book, something they may call a libel;" and he therefore refused his protection to this interesting species of

property. Again, in the case of Byron's "Cain," a similar application made to restrain a person who had piratically published the work, another doubt was promptly not whether the work was a "Paradise Lost," but which would not find objectionable—matter having a dangerous and on that ground the injunction refused. Here, then, were cases, works, important to the parties, doubt of the lord chancellor's were the individuals who permitted to pocket the profits of the committed offence, instead of the case sent to a jury, who could have once upon the character of the work, the right of the parties. As far as no lord chancellor had ever before an injunction under similar circumstances. There was one case of a contrary character, which he would mention. In the case of the "Beggar's Opera" first in appearance, another opera was brought out by the same author, under the title of "Polly." An application was made to the then lord chancellor for an injunction to restrain a piracy of this opera, which he resisted, on the ground that the work was libellous and improper, and ought to be protected; but the learned lord then presided in the court, held the party pirating the work ought to be protected in such a case, and granted the injunction.—He would correct this when the public saw these facts, they saw such doubts and he saw some instances, such promptness of decision, such promptness of decision in others—he said these things were seen, doubts and questions would arise in people's minds, they would not say justly—but doubts and questions would arise as to the cause of the phenomena certainly did drive them to look about for motives, and perhaps naturally led to suspect that, in the present case for instance, the petitioner having, as a member of the House, commonly voted against ministers, and of the unfortunate person who was the object of the petition, constantly lent his proxy in the House of Lords to the friends of the government, might have unconsciously exerted influence on his mind. And in the case of literary property, when the property of a certain noble author came to be discussed, it would not be considered natural that the lord chancellor should

been somewhat influenced, whose whole life had certainly not been devoted to discovering modes of preserving the liberty of the press.—It appeared to him that the *prima facie* case made out by his hon. and learned friend could not be got over. He could not help observing, that it was a strange argument from the other side, that the House should take its suggestions from the House of Lords, and not decide for itself. It was true it had done so in 1813; and what had been the result?—that a measure was acceded to which experience had proved not to answer the purpose for which it was intended. He did not deny that the chancellor had been in some degree relieved by it; but this was chiefly owing to the extraordinary diligence and despatch of the present vice-chancellor, to whom the public were much indebted, but whose court, if he too had been gifted with the extraordinary quality of doubting, would have been a nuisance, and have brought down ruin upon the unfortunate suitors. Most of the hon. members who heard him were, in one way or another, connected with some proceedings in the court of Chancery. But, if they were not, their constituents were; and he hoped that they would think with him, that a case for inquiry had been made out, which it was impossible to resist. For himself, if on no other ground, he should vote for the motion, because it was absolutely necessary that the subject should be investigated, for the sake of the character and reputation of the lord chancellor.

Mr. *W. Courtenay* said, he felt additional difficulty in addressing the House upon this question, because he, in fact, had been included as a party in the charge. The office he had the honour to fill brought him within the sweeping accusation at least of the hon. member for Durham, who had objected to the whole system, and to every branch of the court of Chancery. It had been said by his hon. and learned friend who last spoke, that the present motion by no means implied a personal attack on the lord chancellor. But, whatever might have been thought of it before, certainly the speech which the House had just heard had converted it into a direct and personal accusation. It was worthy of notice, that the complaint was not confined to excessive dilatoriness; but the lord chancellor was charged both with a want of judgment and a want of knowledge. His hon. and learned friend seemed to dissent from this statement.

VOL. IX.

But if it was not with this purpose had he alluded to Portsmouth, and to the delay of literary property? It has been asserted, that nothing like dilatoriness was intended. If an instance adduced of what was a surreptitious decree? It was more fit to be the subject of a censure than of inquiry. It was plain that the committee would not remove the real grievance, but mainly to make an attack on the lord at the head of the list.

The chief ground on which the motion rested was, that the delay was now as great as it had been in 1813. But this was but a fact, if hon. gentlemen would be fair and not the quibbling between a mere list of causes and an arrear of business. At the time there were before the lord chancellor the vice-chancellor about this number would appear. He recollected that only since 1813 no less than 3,527 bills had been made out. To make out an arrear, it was not necessary to state what number of bills were in the paper. When a cause was heard, one of the parties would say, Suppose, on the 1st of January, there were a number of causes which had originated three years ago, and would call it an arrear; but 300 set down for the first day of the commencement of term, would be considered an arrear. This was simply this—if a number of causes had been long set down, that was the amount of the arrear. The number of causes proposed of had been stated the night before. The causes now before the court were 560, all of which, with the exception of a very few, were set down for the first day of term last. This was the usual practice. These were usually set down in order, and could not be heard in the order in which they were set down. They would therefore be always in the paper for hearing; but they did not constitute an arrear until they were heard. They remained there for a long time, and another class of cases came on. And further directions, with respect to the matter of great importance, the number at present was 120. There were now left for disposing of no doubt many would be heard.

3 C



fore that time. He had looked that day for the purpose of seeing what was the quantity of business left undone at the commencement of the last long vacation; for that was the way to state fairly what the arrear was. Out of all the exceptions and further directions there were not 60 which remained undisposed of, and that number alone was to be called the arrear. Except with regard to appeals, he would state distinctly, that there was nothing which could be called an arrear, and that no suitor ran the risk of being placed in the midst of one. He knew that this opinion did not accord with the notions on the other side, but he called upon gentlemen opposite to point out the difficulty in bringing a cause to a hearing in Chancery.

The endeavour to show that there was an arrear in the Rolls' court had been somewhat unfair. Sir William Grant had left nearly 423 causes undetermined; and since his resignation, 817 new causes had been set down. The number now left was only 61, and no less than 1,179 had been disposed of. All this, too, was exclusive of petitions and exceptions, which of course occupied a good deal of time. An imputation had been cast upon his hon. and learned friend, the present Master of the Rolls, charging him with pertinaciously retaining his office, when he was permanently incapacitated from discharging its duties. All who knew the high character of his learned friend would feel, that it was perfectly unnecessary to repel such an imputation. Now, he would ask, whether it was not a more honourable course in his learned friend to pause before he retired upon a pension of 3,300*l.* than to resign his office, in consequence of an infirmity which might only be of a temporary nature?—It had been urged, that no answer had been given to the additional statements brought forward by the hon. member for Durham. But he would state why they had not been replied to. It was because they were assertions unsupported by any kind of proof or probability. The hon. and learned mover had gone out of his way to make an attack upon the lord chancellor; and therefore his hon. and learned friend, the attorney-general, had been perfectly warranted in complaining, that no previous notice had been given of the cases on which such an attack was to be founded. The hon. and learned mover had said, that in the case of *Ware v. Horwood*, the lord chancellor had been guilty of the impropriety of having several inter-

views with one of the solicitors seeing the solicitor on the other side of making a decree upon consulting that solicitor. The lord chancellor had been charged with making a decree—

Mr. *Williams* disclaimed such an imputation upon the lord chancellor. He had used no such language, nor had he given any opinion or action to which the hon. and learned gentleman alluded.

Mr. *Courtenay* said, the hon. gentleman had made the state of information received from the solicitor, who complained of having been surreptitiously obtained from Mr. *Williams*]. It was the hon. and learned gentleman's own opinion of his own. He had left it to the House to exercise judgment; but no man could say, that the impression sought to be made on the House was not, that the lord chancellor had made a surreptitious decree, and were sure that his hon. and learned friend spoke last, from the manner in which he always addressed the House, he would not shrink from saying that such was the nature of the charge. The evidence was much too loose on which to make so serious a charge. It was said that interviews took place before the lord chancellor, and with a view to making a decree. The fact was, that the cause was in the ordinary and regular course of the chancellor had pronounced judgment, and there was a material difference between seeing a solicitor after judgment before. The only object of the lord chancellor in seeing the solicitor party, was, that he might be summoned to minute matters, absolutely necessary in the drawing up of the decree, and with precision. Such had been the constant course with all chancellors, and the solicitor on the opposite side of the court. It, lord Eldon had taken an opportunity of stating that objection in open court, and only considered the practice proper, but that he should always discharge his bounden duty to obtain judgment in that manner, with a view to the minutes of the decree as precise and accurate as possible. This was the result of these interviews; and it was with utmost astonishment that lord Eldon found, that the solicitor had a heavy charge for attendances

The bill of costs was subsequently taxed, and the charge disallowed. — With respect to the case of *Brown v. De Tastet*, he had had occasion to know, that a more complicated suit never came under the consideration of a court of justice; and upon the question of delay generally it might be observed, that such cases as *Brown v. De Tastet* involved a number of points which might become the subject of twenty different suits, and that in the course of such suits the interests of various parties might be involved, who came in *esse* at different times. He would ask any gentleman, whether such a case was likely to be soon determined? The expenses in the master's office had certainly amounted to 500*l.*; but he was sure, that if the papers had been put into the hands of an accountant, the expenses would have been equally great. He therefore contended, that as that was a case which fully warranted delay, no argument could be fairly derived from it. — Another case to which his hon. and learned friend had alluded, was that of *Whitchurch v. Holunthy*, in which application was made to restrain the lord of a manor from cutting down timber. It was said, that there had been very great delay in that case: but it was not added, that that delay had originated with the party who had set the cause down for hearing, without having done certain things which he ought to have previously done, and who had consequently taken a mistaken view of the facts of his own case. His hon. and learned friend had stated, that the attendances in that cause amounted to 1,000*l.* but on that point his hon. and learned friend must be mistaken; as he had learnt upon inquiry, that the whole bill did not amount to more than 500*l.* He admitted, that the complication of the proceedings rendered a number of attendances necessary in that case as well as in many others, but he thought that no method could be devised for the diminution of them by means of the proposed committee. The evil, such as it was, arose out of the system which had long been pursued in the court of Chancery, and could not be removed without the risk of producing much greater mischief and inconvenience than any that was at present experienced. — His hon. and learned friend had also stated, that the confusion and disorder of the proceedings in the court of Chancery were so constant and so universal, that it almost appeared to be the regular course of business there. He did

not know what his hon. meant by this observation. He alluded to the discretion which the vice-chancellor sometimes used in cases out of the regular course, when they were entered upon, and such were his meaning, must contend, that in a court of law it would not be consistent of the suitors to deprive a discretionary power.

He agreed with his friend in thinking, that appeals deserved a separate consideration. He allowed that all the delay had been anticipated from the vice-chancellor's circuit, and that it accrued to the public; but whether the number of appeals had increased the quality of the business in the court of Chancery, was a question necessary to consider when the number of appeals from inferior courts of Chancery was so great. He could inform him, on the best authority, that not more than 104 appeals were made from inferior courts of Chancery in the last year. He did not think that any body was so hardy enough to impute delay to the indolence of the lord chancellor, or to any other imputations upon that noble and learned lord. It was impossible to say how much time, attention, and deliberation to the business as had ever been given by any judge who had ever presided elsewhere. If it were to be said, that he was peculiarly diffident of his own powers, it ought not to be for his fault. In forming it he brought to bear more knowledge, more acute talent than had ever fallen to the share of any person who had sat upon the judicial bench. Of late years there was a vast increase of the population, and commerce of the nation, and this court a vast increase of business arising out of injunctions, the working of mines, originating in the intricate transactions, and also out of the state of theatrical companies. It was only fair that those who complained of the delay in the court of Chancery should recognize that they themselves occupied no

its time with long statements of their own cases, and should not therefore impute all the delay to the noble and learned lord who presided in it. For his own part he must say, that he considered the whole case of his hon. and learned friend to be directed against the number of appeals; as there was nothing that deserved the name of arrears to be found in any other part of the business of the court of Chancery. It had been said, that the lord chancellor was accustomed to take much time to make up his own mind. From that charge he believed that the noble and learned lord was not at all inclined to shrink. The noble and learned lord felt, as he believed that a vast majority of the public likewise felt, that there might be a great advantage in a supreme judge taking time for consideration before he laid down principles of law which were not merely to apply to a particular case, but to all cases on which the property and the livelihood of the subjects of England might depend. He knew that it was the unanimous opinion of all the leading men at the bar, that the decisions of Lord Chancellor Eldon would form a system of equity, which, as it went down to posterity, would prove an invaluable guide and direction to all future judges and lawyers. If the object of his hon. and learned friend was to make the noble and learned lord give his decisions with more rapidity than he had hitherto done, he did not see how it could be effected by means of the proposed committee; and he thought he had already shown, that the other objects which his hon. and learned friend professed to have in view, would be equally unattainable by the plan which he had suggested.—With regard to the appellant jurisdiction of the House of Lords, he would observe, that it was quite a distinct subject, and merited a separate consideration. Indeed, a committee of the body to whom the appeal was made, was now sitting to examine how far the mode of appeal could be improved. Would it, then, be wise for the House of Commons, at so late a period of the session as the month of June, to institute a committee, to consider the manner in which it was fitting that Scotch appeals should in future be heard? He was of opinion that the appointment of such a committee, at the present moment, would be productive of no good whatever to the suitors, and he must, there-

fore, again repeat his decision to going into it.

He had now examined points to which his hon. friend had called the attention of the House. He had perhaps omitted them; but if he had, he believed they were immaterial to the main question, and, after that examination, with all the care and diligence which he could command, he was of opinion, that the case made by his hon. and learned friend would justify inquiry. To that opinion he would come without any regard to the person who might be lord chancellor; and he thought it would be an idle waste of time if he were to enter upon a panegyric of the noble and learned lord who at present held that high office. All he would say was this—that if in ordinary cases a case would require a strong body of facts to be submitted to it, before it could enter into a consideration of the merits, in which a lord chancellor presided, the arrangements of his court would require a ten times stronger body of facts than usual in the present case. The inquiry related to the conduct of the lord chancellor who had filled that office for more than twenty years, and it had been admitted upon all sides that the noble and learned lord was a personage of unimpeachable integrity, and that he had still been asserted, that his decisions in cases had happened in which he had departed from his usual habit of not entertaining even a shadow of doubt. He was sorry that such a resolution had been made; because, if they were to go into the proposed committee, they would go into it to try the conduct of the present lord chancellor. The noble and learned member for Nottinghamshire, who he knew, had said that he made a motion against that noble and learned personage; but, the effect of that motion certainly had been to make such a resolution. As a proof that the noble and learned lord had not acted upon any precedent, he would take the example of reading to the House the opinion of a Chancellor of France, in the time of the regency, entertained, as he said, of the necessity of judicial delay: “What I have seen what I have read, and what I have heard, you will be convinced of, although you may have thought I knew much, you have still much

you will admit the necessity of delay, and how a small error may be productive of infinite mischief."—He had now stated his opinion upon this important question. In doing so, he had performed a painful duty; but, filling the situation which he did, he felt it necessary to perform it. He trusted in his conscience that they would not agree to the proposed inquiry, which, even if there were arguments that could have shown it to be necessary in an ordinary case, had been decidedly shown to be improper in the present, by the course of argument which the hon. and learned member for Nottingham had that evening pursued.

Mr. *Abercromby* said, that notwithstanding the length to which the discussion had been already protracted, he hoped he should be pardoned if he offered a few observations; particularly as, in what he had to say, he was sure he should give utterance not merely to his individual opinion, but to that of the country at large. In the first place, then, he was willing to admit, that the noble and learned lord was an individual gifted with the most extraordinary acuteness of intellect—that he possessed a most profound knowledge of law—that he enjoyed a most astonishing memory—and that he was endowed with a surprisingly correct and discriminating judgment. He believed, however, that the warmest friends and admirers of the noble and learned lord's character could not refrain from admitting, that he had one unfortunate infirmity of mind, which intercepted many of the benefits which would otherwise be derived from his great qualities; namely, a want of confidence in his own judgment, which must ever be felt by his friends to be a subject of regret, as it was felt by the public to be a matter of complaint, and, he had almost added, of injury. Though he admitted that no man could be more conscientiously inclined than the noble and learned lord was, to give a correct judgment, still he was surprised that it had never come athwart his mind, that the injury derived from a long protracted, might almost be as great to the suitor as that derived from an unjust judgment.—It appeared to him, that his hon. and learned friend, the member for Lincoln, had not been fairly treated in the course of this discussion. His hon. and learned friend had reason to complain of the manner in which he had been misrepresented by the other side of the House. It was not his

hon. and learned friend complained that a decree had been hastily obtained from the court in the case of Ware and the solicitor to one of the things that could be so unfair as such a complaint had been made by his hon. and learned friend. He had read, not the affidavit of the solicitor who actually did the complaint, but that of the party who complained that there was nothing to justify the imputation against the noble and learned lord. If his hon. and learned friend had attended to the line of argument pursued by his learned friend, he might have seen that he had no ground for his imputation. Had his learned friend been aware that there were grounds for the charge, all those who had been present in the manner in which he had made his motion, would be contented to have stated it open to the House. He would have made his observations to the more effect of discussion. He considered that the era had arrived in the history of Chancery. The experience of a vice-chancellor had not been sufficient, but had increased the number of the committee was now sitting in the House of Parliament, for the purpose of proposing a complete alteration in the proceedings in appeals. It had been on the other side, that his hon. and learned friend, the member for Lincoln, had proposed his motion at too late a session to effect any useful object by it. But, if there were any ground in this argument, in which he would the House be placed at a later period of the session, he would be brought down to it from the change the entire constitution of Chancery—a bill, on which he would be called on to pronounce when they would be in possession of the information, and when they would have less time to inquire than they had now sent? He thought that it would be such a bill being sent down to the House as a sufficient reason to instigate an inquiry: and the first question which the committee ought to ask was this—what was the state of the court? what were the arrears in Chancery, in the vice-chancellor's court, and also in the Rolls. The question which they ought to extend their considerations would be, wheth-



cient vice-chancellor and master of the Rolls, the business of the court of Chancery could be sufficiently performed by a single judge. A great deal had been said regarding the increase of business in this latter court, and much stress had been laid upon the quantity of time that was occupied by the consideration of lunatic petitions. Now, though he would not deny that some lunatic petitions required much useful and anxious consideration from the lord chancellor, still he would contend that many of them—he would not state how many—might be disposed of, and indeed were disposed of, almost without a moment's reflection. Now, the best way to ascertain what time those petitions occupied would be to refer the question to a committee, to whose inquiry he would leave the differences between himself and the hon. and learned gentleman. One of the complaints with himself and with the public—and it was a most grievous complaint—was, that no original cause was heard by the lord chancellor, except such as grew out of cases in which his lordship was trustee, or guardian, or patron. It was a just ground of complaint, that no original cause was now heard before the lord chancellor, and that his opinion could not be obtained without the preparatory step of going before an inferior court. With respect to the vice-chancellor, he was generally blamed for using too much rather than too little despatch in coming to his decisions; but still that did not lessen the grievance of which the suitor had reason to complain. He was willing to rest the fate of the present motion on the following facts. He had just stated that no original cause was now instituted before the lord chancellor, and that almost every thing that came before him was in the shape of an appeal. Now, if any professional man would show him the day on which an appeal was first set down for hearing—and would then show him when it was put down for hearing in his lordship's paper and hung up in Lincoln's-inn-hall—and would then show him how often it was put down in that paper and did not obtain a hearing—and would then show him how many attendances were rendered necessary—and would then show him when the appeal was heard—and then when judgment was pronounced—if any professional man, he said, would show him all this, and would then pledge his credit with the profession that no inconvenience nor hardship arose from the system, sur-

prised as he (Mr. A.) might be, still he would be content to abandon this inquiry as totally unnecessary and uncalled for. The hon. and learned member said, that if the proposed committee were granted, he should advise them, in considering the delays of the court, to take sir W. Grant as the standard for despatch and accuracy of decision, and to compare the number of the judgments of that eminent equity judge, who had retired covered with the admiration and gratitude of his country, with that of any other judge; and, with that comparison as a test to leave it to the House and to the public to decide, whether there was not in that delay a public grievance for which, in some way or other, a remedy ought to be devised. After declaring that the committee ought also further to inquire whether, if lord Eldon were restored to the court of Chancery, and the appellant jurisdiction entirely taken from him, there would be business enough for three equity judges; and stating his own opinion that there would not, the hon. and learned gentleman proceeded to point out what he considered another important reason for granting a committee upon this subject; namely, that it could inquire into the causes out of which the delay originated which every body so loudly deplored. The two great objects which the committee ought ever to keep in view were, the despatch of business, and the saving of expense to the suitors. He wished to know whether much time and much money were not usually expended before the cause could be brought to issue? and to that point the committee ought particularly to direct their inquiries. He was well aware that many eminent men at the bar had declared that much time and much money might be saved to them by some change in the present mode of proceeding; and upon that account, as well as upon the grounds which he had previously stated, he maintained that the motion of his hon. and learned friend ought to be adopted.

Mr. *Wetherell* began by complimenting his hon. and learned friend, the member for Lincoln, upon the liveliness with which he had treated a somewhat heavy and uninteresting subject. He gave his hon. and learned friend credit for a knowledge of equity business, scarcely to be expected from a gentleman not himself a practitioner in the court of Chancery. He differed entirely in opinion from his hon. and learned friend, and trusted he should be

able to refute every fact that he had brought forward ; but he was still bound to declare, that his hon. and learned friend's speech on the last evening—sound and entertaining as his addresses in general were—had been such as to raise him very considerably in the estimation of the House. The speech of his hon. and learned friend, if he rightly understood it, had divided itself into two parts ; the first applying to the general system upon which courts of equity in this country were constructed ; and the second reviewing the conduct of the lord chancellor in the high office which he had filled for more than twenty years. His hon. and learned friend then wished for a committee, which committee was to overthrow the existing dynasty of the courts of equity in England. Had his hon. and learned friend a new dynasty ready to set up in that existing dynasty's place ? No. The hon. and learned gentleman had no plan to propose. He had offered the House its choice of six plans ; but he had not even hinted which of the six he would prefer. Which of the six plans submitted, did the hon. and learned gentleman mean to rely upon ? Which was the plan he meant to propose in that committee, which it was to be hoped the House would not enter into ?

The learned member for Oxford then proceeded to defend the institution of the vice-chancellor's court—a measure for which he had voted, and for which, under the same circumstances, he would vote again. It had been said, that this court did nothing but multiply appeals, and thereby produce increased expense to the parties ; and it had been further said, that there existed now the same delay and arrear of business in the chancellor's court which had existed prior to the vice-chancellor's creation. But these statements were mere assertions, unsupported by documents or papers. He would assert, that there was no arrear whatever of business at the present moment, either before the vice-chancellor or before the master of the Rolls ; not a cause which was more than two terms behind its regular time of being heard. There was a list of causes, about 104, before the lord chancellor ; and, from the nature of legal proceedings, it was unavoidable that there should be always a number of causes standing for decision ; but, to say that there had been a list of 104 causes before the chancellor three years ago, and that there were the same number of causes before the court

at the present moment—prove delay or anything it could be shown that standing were the same been standing three years—fact was, that the cause be exhausted ; as fast as disposed of, new ones were charged to be examined, that the vice-chancellor thing but send business up to the chancellor. He disliked trouble with figures ; but he was something in the way of appeals from the vice-chancellor the ratio of  $7\frac{1}{2}$  per cent decided ; and they had taken from the court of Rolls, in the case of lord Kenyon, lord Alderson, T. Sewell. Another to be said was, that the time of the court was now occupied in hearing appeals to the exclusion of original business (in doubt it would be better to have the cases were possible) to have the vice-chancellor upon both original and appeals ; but, if one class of cases could be taken by his lordship better that that class of cases be taken by his lordship appeals.—The hon. and learned member for Lincoln had further pointed out cases which he charged upon the vicar of St. James's. The hon. and learned member certainly disclaimed every thing that was an imputation upon the lord-chancellor. He had said, that he spoke *de persona* ; but, if he condemned the conduct which existed, did he not condemn the author of the conduct ? The hon. and learned gentleman he derived all his information from his facts—from one office. (Wetherell) had been consulted in more than one of the cases which the hon. and learned member had cited from the *officina* from which the statement was taken. The hon. and learned gentleman replied ; and he would say, that some of those cases cited were meant to be connected with the personal conduct of the lord-chancellor. He said a foul and slanderous false case of Ware and Horwood, and that the lord chancellor had directly, given out a corrupt and reprobate decree. He desired that it be brought forward if it might. He would say that

ever he was, that originated such a calumny, *mentiris impudentissime!* He had been counsel in that case, which was one of great difficulty; so great, indeed, that the late lord Ellenborough had differed from lord Mansfield upon it. That a bill of reviver had added to the expenses of the cause, had not been the fault of the lord chancellor. Could the lord chancellor prevent suitors from undergoing the mortality of death? He was never concerned in a case of more importance. The chancellor had in this case as in others of great moment, given to the parties the minutes of his decree some time before the final judgment was pronounced; and it would be going too far to say that the decree was surreptitious, because the solicitors of one party might not choose to attend. The party against whom that decree was given had put into his hands a petition, which was so incorrect and scandalous with regard to the conduct of the lord chancellor, that he would have nothing to do with it; though, if it had fairly stated an objection to the minutes or decree, he would have advocated it. It was well known that that noble and learned person, was in the habit of depriving himself of his own vacations, by transacting in his own chamber business for which he had no time in court, and was moreover, in the habit of dictating to his own secretary on cases which he had carried home with him from the court of Chancery; thus depriving himself of those intervals of relaxation of which others availed themselves. He would say, that the accusations brought forward by his hon. and learned friend against the lord chancellor, as a judge, were more unfounded and unsupported than any that had ever before been uttered. If his hon. and learned friend felt himself capable of repelling that charge, an opportunity would be afforded him; but he would boldly maintain, that in the case of Ware and Horwood his hon. and learned friend had made statements that could not be substantiated.—In the case of Brown and de Tastet, which the hon. and learned gentleman had cited, he (Mr. Wetherell) had also been of counsel; and the *officina* from which the hon. and learned gentleman received his information, had most completely deceived him upon the facts of that case. The hon. and learned gentleman had stated, that there were two appeals in the cause—one from the vice-chancellor, and the other from the master of the Rolls; and the appeal from the

master of the Rolls had not by the chancellor until twelve months after its institution. Now, the truth of the appeal from the vice-chancellor to the exceptions, had been made years after it was made; and on that occasion the lord chancellor raised the appeal from the master of the Rolls, by saying, that he could rehear the exceptions without also the original decree; so that it turned out to be of three years instead of twelve.

Having now, he thought, supplied to the cases brought forward by his hon. member for Lincoln, he proceeded to notice some points in which the discussion seemed to him to have gone out of the record. The Exchequer seemed to have been brought in as a kind of episode to the court of Chancery. He could not understand why, because Mr. Row was ill, or because Mr. B. was old, the court of Chancery was *fac-similated* to the court of the Exchequer. The hon. and learned member for Tynemouth, had, he thought, taken with which the discussion had no connection. The question before the House was whether the lord chancellor was right or a wrong opinion in the case of the earl of Portsmouth; the question was whether there were delays, and whether there were abuses, in the court of Chancery. He defended the doctrine laid down by the lord chancellor with respect to the right of party, which had been one of the points of attack. He, for one, was disgusted with the noble and learned gentleman as to the propriety of that doctrine. It was not correct to attribute the doctrine to the lord chancellor. The doctrine was not new. It was a long-established doctrine, and every property could be made a work, the nature of which was against public morals. That doctrine was laid down by Chief Justice Holt, and was maintained by all law lords whose opinions prevailed in the court. He had the misfortune to be of counsel in that cause, and would concur with the opinion of the lord chancellor in the work in question, in which the immortality of the soul was held to be the materiality of the body, a principle, put forth in the lectures of the late professor, notoriously mixing itself with the doctrine of the rising members of the court, who could never be entitled to the

of the law. Never was there a more sound, legal, and righteous judgment than that given by the lord chancellor in the case to which allusion had been made.—The next charge against the noble and learned lord was, for not issuing a commission of lunacy in the case of lord Portsmouth on the first application. The question for the House was not, whether lord Eldon was a good or a bad lawyer, but whether or not the business of his court was conducted with the proper degree of despatch. Now, what had his lordship's view of the Portsmouth cause to do with the question? But, so far was the noble and learned lord's conduct from wanting defence, he would fearlessly aver, that the circumstances submitted in support of the two applications were so entirely different, that the principle on which the commission was granted at last, must have led the court to refuse it in the first instance. He should be most happy to meet any of the great common-law lawyers who were sitting opposite to him upon that specific subject.

One of the complaints against the jurisdiction of the court of Chancery was, that it afforded facility to appeals. He would ask the common-law lawyers if there were not just grounds in point of fact, to complain of the other courts? Did they not all allow of two appeals? If a case were taken into the Common Pleas, it might be afterwards taken into the Exchequer Chamber, or into the House of Lords. So also, if a case were removed out of the Common Pleas into the King's-bench, an appeal lay after that to the House of Lords. What was the calamity, then, which they deplored on behalf of suitors in Chancery? There was an appeal from the master of the Rolls to the lord chancellor, and from Chancery to the House of Lords. There was an appeal from the vice-chancellor of the same order. Were they prepared to overturn the two appeals in courts of common-law as well as in Chancery? If so, let the juridical principle be generally proposed, that the arguments might be fairly met. The right of appeal was less in equity than in common-law. As to the conduct of the venerable person who presided in equity, it was remarkable that, during the whole time that the present lord chancellor had held the seals, now nearly two and twenty years, none of his judgments had been reversed, if they excepted one case. He knew that it might be said,

the appeal was from the chancellor in the case of the wool be remembered, that constantly assisted by who, since his resignation, had devoted his appeal cases: besides patience, and generous judge would always have acknowledged it, had he. This circumstance was a pledge of the talent of his judicial labours.—But a complaint of dilatoriness was, how long a judge making up his mind of the whole of the case? This was a great measure on the city of the judge. Not judges who would be but, for his part, he preferred to brilliant error—slowidious ignorance or misapprehension would have one cause rather than ten determined rash gentlemen opposite him who would be more speedily even bargain for a few years if they should take place in the largest estates were would not be particular, a year should occasional wrong party. But, suppose the opposite, give us expedience all we wish. If, however, of England was slow, he would judge in Europe who would the court of Chancery arrears of business, that France had been charge failing. If he were asked on a great and eminent country, he should point who was the most cautious judge, and had caused more court than any of his predecessors words of lord Bacon had the hon. and learned member and that had induced his lordship's books, where something quite as applicable as the *dubitandi patientia* had, in a way peculiar to himself, despatch in a judge to called pre-digestion, a notion; which was sure to be full of crudities, and secret cases. If honourable consult their own internal



conceive for a moment what would be their feelings and state of health in this particular habit, they would easily guess at the state to which the jurisprudence of the country might be brought by expedition in judgments. A man on whose single shoulders rested such weighty responsibility, might well pause before he gave decisions on which depended such extensive interests, such mighty masses of property. The nerves of that man must indeed be strong, who could rescue himself from the anxiety necessarily consequent on such a situation, and who unprepared, could precipitate himself on judgment. A judge, who had formerly been condemned by some person for not running quickly through the criminal calendar, had answered the impertinent railer, by observing, that he so judged in the day as to be able to sleep on going to bed at night. When they considered what a prodigious power was lodged in the hands of this magistrate—a power which placed all the large properties and titles in the country at the disposal of his single *arbitrium*—a power greater than the Roman prætors exercised—greater than was intrusted to any magistrate in any state in the world—they could not be surprised, much less displeased, at seeing that it was used with the solemn deliberation which became the exercise of it. But this was not all. The supreme judge had not only to dispose of individual cases; he must, to the best of his ability, lay down propositions of law, for the guidance of the court in all similar cases. The erudition, legal science, experience, and accuracy displayed in the thirteen volumes of cases decided by the present chancellor were unparalleled.

His hon. and learned friend had alluded to the number of Scotch appeals to the House of Lords; but that was no reason for going into the committee. If the House of Lords chose to alter its appellate jurisdiction, and send a bill down to that House for the purpose, it might be dealt with according to the wisdom of the House when it came there; but, he repeated, that was no reason for acceding to the motion of his hon. and learned friend. The House had just come reeking wet out of the inquiry into the conduct of the sheriff of Dublin, and several of his hon. and learned friends had stated, that that inquiry had put the members of the House out of humour with themselves, and the public out of humour with them;

and he doubted much whether the proposed committee would ten the harmony of which the House had lately been deprived. It was that, in the present state of the House, a chancellor ought to be assisted by auxiliaries. He did not telescope himself (if he might so call himself), but he thought such an arrangement would be highly beneficial. His hon. and learned member observing, that though he was sitting with the gentlemen opposite, he was ally with the hon. and learned member for Winchelsea, as to the utility of the Dublin inquiry, he should like to hear them if they would now declare whether the proposed committee was pernicious or less. He begged pardon of the House for having taken up so much of their time, but he felt extreme anxiety to express his sentiments on this question.

Mr. Scarlett, in rising to second the motion, said, that however long the speeches of other members might be, his hon. and learned friend had shown nothing like pre-digested speech which he had just heard. He had heard much, in the course of the protracted discussion, of the conduct of the judges and of the despatch of business in the Court of Chancery. It might be said that counsel had been heard before the Court of Chancery and the Court of Common Law. But, was there any thing worth hearing? Were there any gentlemen present? Had no gentleman under the protection of the Court there no member present who would be happy as to obtain a decree in his favour with costs awarded him? If he were, he would implore them to attend to them, and he would entreat the House to attend to them. Let not the speeches be attended to, but let the merits of the suffering witnesses be attended to. If the House intended to do justice, it ought to hear evidence. It was certain, that however he and his hon. and learned friend might appear before that House, they would not be attended to; and that though they might say as to what was necessary, the House would have no dispute between them that was required. He would tell the House on what grounds he meant to second the motion. He had too much respect for the lord chancellor to pronounce any thing derogatory upon him in parliament. He might be allowed to say, that

that venerable man was great enough to bear discussion. The motion went to inquire into the causes of the delay in Chancery, and the appellant jurisdiction. It was said on the other side, that there was no delay. That was a question of fact which ought to be tried. It had been assumed, that the motion had for its object a personal attack on the lord chancellor. Now, there was nothing in the eloquent speech of his hon. and learned friend savouring of that tendency. And, while he was upon the subject, he would say, that that speech was a perfect answer to the calumny that there was no talent at the bar. There never was more talent at the bar, in all its ranks, more especially the middle rank. He begged leave to ask his hon. and learned friends opposite why it should be supposed, that, in making his statements, his hon. and learned friend, the member for Lincoln, had intended any personal imputation whatever? It would, if such a supposition once obtained, become a matter of extreme difficulty and delicacy for any member of the profession to introduce a similar motion; for it might be said that individuals were, in every instance alluded to. He knew, from personal experience that very day, that an allusion made last night to one of the greatest ornaments of the bench, Mr. Baron Graham, had been misunderstood and misrepresented, and had, he also knew, given some pain to the excellent mind of that learned individual; but he trusted that he (Mr. S.) had contributed to remove the unpleasant impression. Such was the perplexity attending discussions of this nature in the House. Whereas in a committee, those who were able to speak with most knowledge upon the subject, would feel themselves free to do so, without the fear of giving offence. He could state the opinion of his much lamented friend sir Samuel Romilly on an occasion similar to the present, in which he had observed, that holding as he did a certain station in the court of Chancery, he never would speak in the House on a question concerning its constitution, lest he should be misrepresented; but he should deliver his opinion in a committee without any reserve. The delay complained of was inherent in the constitution of the court itself, and was not created by the particular judge who presided there. He would ask, why should not the House now attempt to remedy a grievance? His hon. and learned friend, the attorney-ge-

neral, said, that no fault was to be put with the manner in which the court of Chancery was conducted. Why then refuse to inquire into it again? Why then refuse to ask, was there any delay in the court—was there no reason for it—was there no remedy—was there no settlement had come then present, who would have been able to give evidence? For many would be worth anything asserted by gentlemen. As to the bill which was now before the House respecting the Scotch judges, say, without meaning disrespect to the lord chancellor, the House should always be on its guard against any alteration with jealousy the subject. As to alterations in the constitution of the House, Experience proved that the best judges in these questions were the best judges of the propriety of the appointment of the president of the court. In general, there had been no objection in for alterations in the constitution of the court of King's-bench, and at one or two o'clock in the afternoon, and not one of those bills had been introduced into the House without previous notice, and not one of those bills had been introduced into the House without previous notice, and not one of those bills had been introduced into the House without previous notice. It was asked for certain whether any, and if so, what were necessary. If the House should be erected by a committee, was, or seemed to be, deposed to approach the task of a committee with the greatest reverence for the edifice, and he should rather be careful to avoid evils as arising from present than from any other cause. He supposed a case, which he would state thus—If a judge, who was acknowledged to be a man of excellent talents as well as of great talents, was unable to fulfil, as he had the duties of his situation, he should alter the constitution of the court, which that judge presided over, not make the court fit to be presided over by the man did not exactly fit, but he would provide a remedy for an existing evil, leaving the House to decide whether it had sanctified to re-

If there was a general opinion, that some modification was necessary in the court of Chancery, why not inquire? With respect to the delay of the court of Chancery, it was quite proverbial. It was not the complaint of to-day; it was the complaint of the last century. The late Mr. Justice Buller had not hesitated to declare, that he considered the court of Chancery a nuisance. He (Mr. S.) could not say he thought so; for he believed that court to have many excellent properties; but, if any thing in it was grievous, the House ought to inquire into it. For himself, he should always strenuously oppose any alteration, not founded on previous inquiry; convinced that, as it would be made in ignorance, it would end without producing any beneficial effect.

As soon as the hon. and learned gentleman sat down, the cries of "Question, divide, withdraw," prevailed. The gallery was partially cleared. No division, however, took place, and

Mr. *Brougham* rose. He began by observing, that he was not surprised at the impatience which had been manifested by the House, when he considered the lateness of the hour, and that it was the second night of a debate on a subject as dry as could well occupy its attention, and in the course of which so much talent, ability, and discretion, had been displayed on both sides; but more especially by his hon. and learned friend, who had introduced the subject to the notice of the House. He must nevertheless, regret, with his hon. and learned friend who had just spoken, that the whole of the debate had been confined to the legal members of the House. He could have wished that, as well as the artists and practitioners in that court—which, in as well as out of the House, had been admitted to be a court of pain and peril, of loss and suffering, of delay and anxiety, of expence, of misery, of penury, and even in some instances the cause of death itself—he could have wished to have called up in witness before the House, some of those who had suffered, not the last, but the scarcely lesser evils—some of the parties to a Chancery suit—some hapless man bending under the weight of penury, the consumption of means, exhaustion of body, and almost of vital energy—some of those who had gone for relief into that court, where it was technically said, relief could alone be obtained. He could have wished that some such one would

have started up, and let the look upon him. He did not hear him speak—he did not should be pained by hearing and scarcely audible voice—but that the House could look these unhappy objects of the lord chancellor. But he knew was in vain: the suitors would and when his hon. and learned friend sired a committee for the perquiring into the subject, they that they should have any thing that. They might make some attack the court of Chancery and in detail, but there was which should not be granted case be never so strong—let it be never so multiplied—let it be so stringent or applicable—committee to hear evidence, and factory investigation into should not be granted. A must be allowed to ask, to whom the door was shut upon sought inquiry? Was it by the of a hostile branch of the session—by common-law men enemies to the court of Chancery whose unfriendly feelings were upon their dislike of the peculiar the separate jurisdiction, and the ed powers of that court? Were persons that the ears of the shut against reason, arguer. No such thing. Was it the if any such there were, who fortune to call the lord high their enemy, and who were personal hostility? No such denial came from the noble lord's own friends—from friendship for him was so delicate, that it prompted them inquiry into the conduct of over which he presided. Till they discovered a personal attack judge, in a mere desire to abuses as old at least as the Swift, who had described Gther as having been ruined by Chancery suit with costs. He entertained the highest respect noble and learned lord's jurisdiction. All that he had seen which, indeed, had been little in the private intercourse between men of the same profession,—a gratitude for great civility which ways been displayed towards

knew nothing of the noble and learned lord which did not entitle him at his (Mr. B's) hands to great respect, in his character of a judge. He did not say any thing of him as a politician. He wished to draw a broad line of distinction between the two parts of his character. But he had such a feeling of respect for the noble and learned lord, that he could not help saying, with the most perfect sincerity, that he wished him better, abler, bolder, more discreet, and more skilful advocates, than his cause,—if it was the cause of the noble and learned lord,—had found in that House. If men had been imbued with the most deadly hatred for the lord chancellor—if they had laid their heads together and had racked their wits to find out the means by which the fame and character of lord chancellor Eldon might be damaged, and his reputation as a judge sullied,—they could not have selected a more effectual mode of accomplishing it, than the course which those who called themselves his friends had thought proper to adopt. The hon. and learned member for Exeter (Mr. W. Courtenay), himself a master in Chancery, had told the House last night, that he was most anxious to defend the lord chancellor. And he had shewed the sincerity of his anxiety in a most singular manner, by voting twice against an adjournment, and thus endeavouring to put an end to the inquiry, and deprive himself of that very opportunity which he professed himself so anxious to seek. The attorney-general had made his reply, such as it was, to the indeed unanswerable statement of his hon. and learned friend, the member for Lincoln. He was followed by the hon. member for Durham, who had so laudably applied his mind to this subject, and who had brought forward much valuable information in his various statements to the House connected with this question. And then came the anxiety of the hon. and learned member for Exeter; and how did it first exhibit itself? for it really was deserving of investigation. and here at least there was no bar to inquiry. The master in Chancery remained mute; or if he did utter a syllable, it was merely the cry of "Question, question!" He had then resisted the motion of adjournment, and to-night he came down prepared at all points, to defend the character of the lord chancellor—by arguing against all investigation! His object was, not inquiry, but a

decision; not proof, but numbers;—the irresistible which so much light was to be obtained in that

His hon. and learned member for Lincoln, had stated to the practitioners in the court, that they should bring forward the immediately within their power. Nothing could be more certain than that nothing less than the chancellor himself, than but how had it been to do the offence of that meritorious defenders. He said, "was it to be presumed that the chancellor would descend to any vindictive decision on any one who came forward at the bar?" He, who knew the chancellor, would say No. He was certain, that if in the court that solicitor from whom the learned friend received the case were engaged in any cause, it came necessary that he should defend the noble lord, his act would be justified from the chancellor's measures. It were the suitors to know that therefore, without a contest, which would bring their case before a committee of that House, to expect such information, surprised that the attorney-general on most occasions a perfect fairness, should have, in his argument, imputed to his learned friend that which in his own moments he would regret—tossing so unfair a gloss upon a natural inference. If he had to charge the lord chancellor with corruption—if he were discovered as much mischief by his friends had that night succumbed upon him by their utility—he should not hesitate to do his duty to his country—he should do it fearlessly: and therefore he had much to hear his hon. and learned member for Lincoln, to talk about calumnious attacks. He knew that if his hon. and learned member for Lincoln, put the question of corruption or to charge the lord chancellor, he would be from the approval of his friends. He knew, too, that his hon. and learned friend, the member for Lincoln, dealt very liberally in in-



tentions to others, would not, if he had received his instructions, refrain from saying any thing that he thought would be beneficial to his client, however scandalous or calumnious it might appear; and therefore, if he had hesitated to state the calumny communicated to him by his client in the case of Ware and Horwood, it was not because he thought it scandalous, but from a conviction that it would not prove serviceable to his client's interest. He had no right to institute any previous inquiry; he was bound to rely upon his client's instructions; and if that client misinformed him, upon his own head must the consequences descend. He knew enough of the professional habits of his hon. and learned friend, the member for Oxford, to say that this was his practice. It had been his (Mr. B's) fate, some time since, to be engaged in the same cause with his hon. and learned friend, and he well recollected the consequences which followed his hon. and learned friend's bold and manly discharge of his duty—a duty which he discharged without considering how high the head was, against which his censure might fall. His hon. and learned friend let fly his arrow boldly, and the parties had subsequently settled the matter between themselves; by which adjustment a certain noble person went for three months to prison.—There was no one who thought more highly of the justice and the conscientious scruples of the lord chancellor than he (Mr. B.) did, and he was well aware that the most rigorous attention would be paid by him to-morrow to any solicitor of his court who supported the present motion, or assisted the inquiry if it should be gone into. But, did the suitors know that?—Did the clients know it? No: and what would any one of them say to his solicitor who should give the management of a cause to his learned friend, the mover of this inquiry, if he were a practitioner in that court? It was for that reason, to avoid all those objections, that he asked them to send him up stairs to inquire—to allow him to call for persons, papers, and records. Let them examine evidence, and let the result be, he would not pretend to say what it would be, but let them come to some decision, and either acquit or condemn. That was his principal reason for voting for the inquiry. He knew that there was no other mode of getting at the actual truth. He knew also that the documents on the table were im-

perfect. He would mention on their inaccuracy. The attorney had talked much of the increase, whence he inferred the increasing the machinery of. He had said, that nearly double of bills had been filed since 1823. This was what the attorney-general had compared. In the former year, of bills filed was 1,700, and 2,400. This was what the attorney called "nearly doubled." At the ancient system of calculation 17 used to make 34. So far doubled, it was not one-half. It was another instance of the going into a committee.

There was another part of the hon. and learned attorney which he wished to notice. That part of it which was received with such cheer, such as he hardly remembered to have ever heard in that House. He was only prevented from yelling, by the respect which he paid for the present assembly. So that the chorus—the *Io Triumphant*—claiming the defeat of his hon. and learned friend still rang in his ears—the yell following the attorney's vigorous detection and exposure of the hon. and learned friend, the member for Lincoln, who had asserted that the charges for attendance amounted to 1,030*l.* in that cause. Now, it turned out that the hon. and learned friend was wrong, might have with more correctness disputed that bill at some future time. This case would be enough, if accompanied (as it was) by many others which showed the necessity of endeavouring to avert the evil which it was allowed pressed upon the country. To list the names of the honourable members, it might be posed that his hon. and learned friend, the member for Lincoln, had for the first time broached a subject never before been heard of. He (Mr. B.) had mixed much with those who now practised in the Court of Chancery, as with those great men who had been removed from the scene ever—men who were at the same time ornaments of the law and of the

really a topic of considerable importance. A great deal had been said, about the small number of appeals from the lord chancellor's court to the House of Lords. But what did that amount to? Having once become acquainted with the lord chancellor's decision, it seldom occurred that suitors consulted him a second time in the House of Lords; because his judgments were known to be given so advisedly that he would not hastily change them. The Irish and Scotch alone then were interested in the question of appeals. Upon the latter class much had been said, but the former appeared to him to have been most unaccountably overlooked. The number of Scotch judgments either remitted, or reversed upon appeal to the House of Lords, was certainly very great; but the number of those from Ireland were much greater. He could assure an hon. and learned member who had preceded him in this debate, and who had taken occasion to eulogise an individual holding a high judicial situation in a sister kingdom, that he (Mr. B.) had no wish to speak harshly of any judge; but it did so happen, in respect of the case which had been so fancifully put by his hon. and learned friend who had spoken so well and with so much liveliness on this subject, that the very despatch which formed the matter of his hon. and learned friend's panegyric was a despatch that was attended with no very advantageous, but with very vexatious consequences to the parties interested. This happened to be the precise case with the present lord chancellor of Ireland [hear, hear]; and in looking at the paper which was on the table, he found that almost all the judgments of that noble judge, in one particular year, which had been appealed from, had been reversed by the lord chancellor of England. It seemed that upon an average of ten years, out of 100 appeals from the judgments of the Irish chancellor, 50 of those judgments had been reversed. God knew, after this, it could hardly be said that the question before the house had been raised, or any misrepresentation had been suggested, in a spirit of hostility to this learned and noble lord, of whom he was entitled to say, that in pronouncing judgment he was wrong about once in two times. Such had been the result of the appeals he spoke of, which were heard and considered by the English lord chancellor, assisted by lord Redesdale. Why, such being the fact, and

such the different views of the same subject by noble lords, it was impossible the House should not be re-case, in which it was a the plaintiff A. was entitled B., the defendant? O thought he was so entitled reasons for the opinion but the other judge cont declaring, that, upon which his learned brother why A. should recover, thoroughly satisfied that recovery was in B. [A precisely with the Irish so exact a proportion did the Irish appeals bear to of them, that it was an every case, whether the the sister island was right hon. and learned gentlemen timony to the great improvement was visible, of late years, made by his majesty's judges to preside in the court and to the better proceedings in consequence mentioned this topic, being convinced that the Scotch judges were really men of as much power as could any where be met cause all the great men of the bar happened to be conversant with the politics of that side of which he himself usually presided. There was therefore no reason to anticipate such a result had been adopted. Nevertheless he felt bound to bear his testimony to the great degree of liberality and fairness which they were now chosen by the House compared with the previous years, and in reference to the principles. Now, the House some time past talking very much of the Irish courts and English judges, it could not be supposed that Scotch judges were immaculate, or that they were so just and wise as it was just to say (which was just) which was a selection. He would gladly say that they were generally guided by that principle which, to the English judges, had always been served in them, upon coming to the consideration of the case—namely, a total abandonment of all political prejudices and partialities. He first knew the Scotch bench to be a custom for men of all parties

business of the Rolls court was transacted. In naming it he was compelled not to regard to whom he might give offence. As a member of parliament he was bound to regard the suitors more than the judges, and to take more care of the interests of the former than the feelings of the latter. In 1817, an alteration was made in the Rolls court, by the secession of one of the greatest judges of modern times. He had no right to approach sir W. Grant, even in the character of an eulogist; but he could not refrain from paying him this tribute of praise, and of adding, that his retirement was a subject of unanimous regret to the profession. Sir W. Grant discharged the business of his office without delay or arrear; and there was no complaint of unsafe expedition, or of want of caution. In the Rolls court, and during the war in the prize-appeal court, he had discharged his functions with equal talent, and equally to the satisfaction of the suitors. His brilliant judicial career being closed, sir W. Grant was succeeded by sir Thomas Plumer, a gentleman who had previously been the vice-chancellor, and who, before that, had the reputation of being one of the best advocates. It did not, however, always happen, that the ablest advocates made the best judges; and, in the instance of sir W. Grant's successor, he (Mr. B.) did not insinuate, but he distinctly said, that he had proved so decidedly inferior, that the loss of the late master of the Rolls was regretted more than ever. A very ingenious person, sir John Leach, succeeded as the vice-chancellor. The number of causes disposed of in that court increased suddenly, and amounted, upon an average, from 126 to 453 causes; from 216 to 332 petitions; from 1,395 to 1,846 motions; from 235 to 821 exceptions; and from 194 to 318 pleas and demurrers. The total increase of business in the vice-chancellor's court from the time that sir T. Plumer left that court to the present time was, 1,250; and, with the increase of the business in the court of Chancery made a total of 1,600 pieces of business. But, this increase was as much attributable to the departure of sir William Grant from the Rolls as to sir John Leach coming into the vice-chancery. In fact, the business of the Rolls from that time had very much diminished. It was no merit to say, there were no arrears where there was no business. But it was said, that as the suitors went voluntarily into the courts of equity, the increase of business in the

vice-chancellor's court was a decided proof of its merit. This was not true; for suitors did not go voluntarily into that court, but were sent there by the lord chancellor; and that was the great burthen of the complaint against the system. The attorney-general had said, that that great fountain of learning and of law—the court of Chancery—should be open to all alike. So he (Mr. B.) said too, and, therefore, it was, he complained, that the functions which few others but so wonderful a man as the lord chancellor could perform, should be executed by deputy. He deprecated this system of deputyship altogether; for he predicted the worst effects from it to the pure administration of justice. The situation of chancellor of this country, whilst it continued to be the difficult and arduous situation which it now was, must be filled by extraordinary men. But if this system was to prevail, that might soon cease to be the case. If the duties of this high office were to be put in commission—if one half of the business in Chancery was at one time to be taken away and confided to a deputy keeper of the seals, and a deputy, or journeyman, Speaker of the House of Lords was to be appointed at another, who could say where this was to end, and whether the younger sons of great families might not in time be educated for the chancellorship as they now were for a mitre? So long, however, as the situation of lord chancellor continued to be one of difficulty and of high honour, so long would it continue to be decorously filled, and such men as Nottingham, Hardwicke, and Eldon, would be found,—among whom none was a more learned or a more incorruptible judge than the latter noble and learned lord, although he (Mr. B.) could not help lamenting that defect of his understanding, that proneness to doubt, which he had even heard the learned lord himself deplore, on account of the suitors of his court. Let, then, the doors of the court of Chancery be opened wide, and access be given to all, to this oracle of the law. Let not a turnpike be clapped upon it, in the shape of the vice-chancellor's court, and a toll be exacted. It was this toll—this turnpike nuisance—that he wished to see abated.

Having said thus much of the jurisdiction of the court of Chancery, he would now come to the Appellant Jurisdiction of the House of Lords. He was afraid he was exhausting the House, but this was

really a topic of considerable importance. A great deal had been said, about the small number of appeals from the lord chancellor's court to the House of Lords. But what did that amount to? Having once become acquainted with the lord chancellor's decision, it seldom occurred that suitors consulted him a second time in the House of Lords; because his judgments were known to be given so advisedly that he would not hastily change them. The Irish and Scotch alone then were interested in the question of appeals. Upon the latter class much had been said, but the former appeared to him to have been most unaccountably overlooked. The number of Scotch judgments either remitted, or reversed upon appeal to the House of Lords, was certainly very great; but the number of those from Ireland were much greater. He could assure an hon. and learned member who had preceded him in this debate, and who had taken occasion to eulogise an individual holding a high judicial situation in a sister kingdom, that he (Mr. B.) had no wish to speak harshly of any judge; but it did so happen, in respect of the case which had been so fancifully put by his hon. and learned friend who had spoken so well and with so much liveliness on this subject, that the very despatch which formed the matter of his hon. and learned friend's panegyric was a despatch that was attended with no very advantageous, but with very vexatious consequences to the parties interested. This happened to be the precise case with the present lord chancellor of Ireland [hear, hear]; and in looking at the paper which was on the table, he found that almost all the judgments of that noble judge, in one particular year, which had been appealed from, had been reversed by the lord chancellor of England. It seemed that upon an average of ten years, out of 100 appeals from the judgments of the Irish chancellor, 50 of those judgments had been reversed. God knew, after this, it could hardly be said that the question before the house had been raised, or any misrepresentation had been suggested, in a spirit of hostility to this learned and noble lord, of whom he was entitled to say, that in pronouncing judgment he was wrong about once in two times. Such had been the result of the appeals he spoke of, which were heard and considered by the English lord chancellor, assisted by lord Redesdale. Why, such being the fact, and

such the different views of the same subject by noble lords, it was im House should not be re case, in which it was a the plaintiff A. was enti B., the defendant? C thought he was so entit reasons for the opinion but the other judge cont declaring, that, upon which his learned brothe why A. should recover thoroughly satisfied the covery was in B [A l precisely with the Irish so exact a proportion di the Irish appeals bear t of them, that it was a every case, whether th the sister island was rig hon. and learned gentlen timony to the great im was visible, of late years made by his majesty's judges to preside in the c and to the better cond ceedings in consequence mentioned this topic, be vinced that the Scotch j rally men of as much pr as could any where be m cause all the great men bar happened to be con politics of that side of which he himself usually There was therefore so n son to anticipate such a been adopted. Neverthe to bear his testimony to gree of liberality and fair they were now chosen by compared with the pra years, and in reference t principles. Now, the Ho some time past talking ve lish courts and English ju not be supposed that Sco immaculate, or that they to that just and wise po wise as it was just) which selection. He would glad that they were generall that principle which, to the English judges, had u served in them, upon com —namely, a total abandor litical prejudices and pa first knew the Scotch be custom for men of all p



differently. They then always seemed to consider as they rose, step by step, that each advance was only the price of some act of political subserviency on their part; and that, as they had been at an earlier period of their lives political barristers, so they were to remain for life political judges.

His hon. and learned friend, the member for Lincoln, had shown that in the court of Exchequer also there were at one time no less than 160 causes in arrear. But the moment that an hon. and learned friend of his (Mr. Martin), in a former parliament, introduced a bill for the chief baron to sit alone in equity, the whole of the arrear was got under, and the consequence was, that there remained in that court very little business to do, and the practitioners would have willingly had a great deal more. And yet equity suitors would not go into it—so great a charm was there in a name, and so great a desire had every one to have the advantage of the lord chancellor's opinion. An arrangement might be made which would make it imperative in suitors to go into this court. Various other arrangements would suggest themselves; but let it not be understood that the present motion suggested any project whatever. All that was asked now was inquiry. He had heard of various projects, but his hon. and learned friend had wisely, in his mind, abstained from alluding to them. He had heard that it was in contemplation to originate a measure on this subject in the House of Lords, which was afterwards to be sent down here. But who could say that such a measure would ever come? The burthen of that proposition he had heard, was to appoint a vice-speaker, on whom would devolve all the appellant business. He had heard, amongst others, lord Colchester named to this office, and the appointment was recommended by the consideration, that it would be attended with no expense, since that noble lord already enjoyed a pension of 4,000*l.* a-year as retired Speaker, and for this he might well hear Scotch appeals.

*Mr. Hume.*—The noble lord has a patent place too.

*Mr. Brougham* said, he was obliged to his hon. friend for suggesting to him, with his usual accuracy, that the noble lord had a patent place also. Was it not very fitting that the House should be consulted on the matter of this vice-speaker's appointment? The chief justice of the court of King's-bench, they knew, held a perpetual deputation of this office of vice-speaker.

He (Mr. B.) had pleaded before that capacity at the bar of the court, but, so trammelled was the court by the forms of the House in respect, and in so unfortunate was he placed in respect of the all which he had the power of—that the “contents,” or the “contents,” as the case might be, he called on the House, therefore, for the sake of the people of Ireland and Scotland, to consider whether they would adopt a measure to be adopted by the House, which would prove so detrimental to the rights of suitors, and so baneful to the administration of justice. At present the perfect confidence of the people of Ireland and Scotland in the decisions of the lord chancellor was maintained. However they might complain, they never complained of an error. The noble and learned lord, on the cases which came before him, displayed a degree of skill and penetration in appeal causes from Scotland, which was with a degree of wisdom, which was extraordinary; considering the law of the latter countries, and the noble and learned lord, in some sort, a foreigner. However, he had reformed; abuses he had corrected, and lawyers, however averse they were to the suggested reforms, received their value, acknowledged his expediency, and ultimately admitted. But the case would be very different if the House of Lords, should think it proper to delegate its appellate jurisdiction to lord Colchester, who, though Speaker of the House of Commons, was no lawyer; and, in his opinion, no politician. The noble lord was a respectable man; but, from the nature of his pursuits for the last few years, to place him at the head of the administration of the laws of two kingdoms in the last resort, would be of monstrous, glaring, and grievous consequence to the people of both those countries.

The hon. and learned gentleman concluded by declaring his determined support of the motion of his hon. friend the member for Lincoln, and by a few words for the length at which he had occupied the house upon this subject. He thought it to be one of the gravest nature, and was convinced that the adoption of the proposed inquiry would lead to the most serious consequences. He called upon

for no premature decision. All he asked for was inquiry. He wished for the opinions of learned men of all the Bars, and of the respectable solicitors of the different countries. If, in the course of what he had offered to the House, he had felt it his duty, to allude to the noble and learned person at the head of the court of Chancery, it was not from any want of respect towards the noble and learned lord, but from an imperious sense of duty; and such was the high character of the noble lord, that he was sure he would be the very first to forgive whatever had been uttered under such feelings [Cheers, and cries of question].

The *Solicitor-General* said, he felt it his duty, after the many personal attacks which his hon. and learned friend who spoke last had made, to say something, even at that late hour, especially with reference to that much-respected character the Master of the Rolls. Considering the affliction under which that upright judge and able lawyer was labouring, and that his hon. and learned friend had denied any intention of alluding to that individual personally, he thought a conclusion might have been obtained, by other means than those employed by his hon. and learned friend. The number of cases decided in a certain number of years in the Rolls court while sir William Grant presided, might have been compared with the number decided in a similar period by the present Master of the Rolls. The number in the former instance might be found greater than in the latter; but the difference was inconsiderable. At the time the present Master of the Rolls was appointed, there was an arrear of between 4 and 500 cases in the court, and since that nearly 1,000 other cases had come before it. All those, with the exception of about sixty, were now decided; which left an average of between three and four hundred for each year. He therefore thought that, considering the long and severe affliction with which that learned personage had been visited, the harshness of observation which his hon. and learned friend had made use of, might have been spared.—The attack upon the lord chancellor of Ireland was equally unfounded. The hon. and learned gentleman had said, that, out of a hundred decisions come to by the lord chancellor of Ireland, fifty had been, on appeal, reversed; and from that fact, the hon. and learned gentleman had drawn the preposterous conclusion, that it was an equal

chance whether the lord chancellor of Ireland decided right or wrong. Those hundred cases were decided by the lord chancellor of Ireland in a similar sort of argument to those appeals from Scotland. The learned friend who brought the present motion had said, that he stated respecting the lord chancellor that he meant nothing personal. He admitted that, in terms, his friend had not attacked the lord chancellor personally; but he asked the House whether his friend's whole speech was a personal attack on that person? What did his friend mean, when he said that the lord chancellor's decree obtained? In short, that the decree had been made by the lord chancellor, in the opposite, a personal attack on the lord chancellor, the law of the country required that the learned friend, the member for Durham, had delivered one or two speeches that could be still in terms perfectly correct, and that the lord chancellor was for doubting, and that he raised questions the public had doubts; but, where persons were concerned then his friend should have said, aside and he decided at once. The case had then been introduced, and it was stated, that with the removal of her majesty's Litany, the lord chancellor's ordinary habits of doubting without delay [hear, hear] gentlemen on the opposite side; but, if it was not meant to say that, why, he asked, did they also say, that the lord chancellor decided wrongly, eight years ago in the Portsmouth case; and that he had introduced some new principle in regard to literary property in particular, he would maintain that he would not deny, and would maintain that the principles had been strictly correct in the whole train of decisions in the cases. After what had occurred in the sessions, he did not expect any agitation of this question. The member for Durham had repeated the same forward; and, from the decision come to, he had little expected that it would have been revived in the House. Formerly documents were introduced. On the present occasion the

and private sources were relied on, upon which scarcely a single comment could be made. He knew the source from which they proceeded; and he could confidently assert, that the letter read and relied on, in the case of Ware and Horwood, was unfounded in fact.—The hon. and learned gentleman then defended the erection of the vice-chancellor's court, and detailed the manner in which the time of the lord chancellor was fully occupied throughout the year, with the view of showing, that if the vice-chancellor's court had not been erected, the whole of the business which had been done in it must now have been hanging as arrears upon the court of Chancery.—He then proceeded to observe, that the only ground for inquiry was, the arrears in the court of Chancery. But the fact was, there was no arrear in the vice-chancellor's court—there was no arrear in the equity side of the court of Exchequer, although slurs had been thrown on some of the venerable judges who presided there—there was no arrear in the Master of the Rolls court. And, what was the fact with regard to the court of Chancery itself? The number of motions during the last ten years had been 20,000; the number of petitions nearly 5,000; and the number of causes between 4 and 500; and the only arrear was about one-tenth of these causes, or what might be considered one year's business out of ten. In this enumeration he omitted the appeals, but he should afterwards return to them. He would now ask his hon. and learned friend, the member for Peterborough, if the arrear just stated in the causes before the court of Chancery, exceeded the usual arrears in the court of Common Pleas or King's-bench? [Mr. Scarlett dissented]. At least, till lately the arrears in the courts at Westminster were equal to the present arrears of the court of Chancery. The sole ground, however, for inquiry was those arrears; and in appeals they amounted to 104, the earliest of which was not of an older date than about the middle of the year 1819. Did these facts warrant an inquiry! He was clearly of opinion that they did not, and should therefore oppose the motion.

Mr. Secretary Canning rose, amidst loud cries of "question." The House, he said, might be assured, that at that late hour, and after the length to which the debate had already gone, it was not his intention to add more than a few minutes to it. Nor should he have risen at

all; but, after the pointed all had been made to him in the course of the discussion, he did not think he should discharge his duty, without saying something of the situation in which the colleague of the noble and learned lord who presided in the court of Chancery were not to state the impression as the only unlearned person spoken on the subject, the discussion produced on his mind. The hon. member heard the debate would at least derive some advantage from it; namely, the money which it bore to the eloquence of the English bar, revolting as were the details, he listened with greater attention to the debate, and never was he more forward by the manner in which it had been discussed. [The right hon. man was here interrupted by a member in the side gallery, who produced the laughter that followed it]. He would assure the House, that he was willing to exchange situations with the gentleman who had given the forcible proofs of his insensibility to worldly cares. He trusted, however long they would all be in the enjoyment of that happy oblivion which the House was called to decide was the arrears in the application, and the delays in the court of Chancery. The subject was naturally divided into those two parts. As to the appellant jurisdiction, the learned gentleman who opened the subject made a speech of great force and alluded to the part which he had taken in 1813. It was only true that he, as an humble individual, opposed the erection of the vice-chancellor's court. He had thought a good way to set the lord chancellor at liberty, to erect a new court of appeal to him. He had opposed the ground, that any new jurisdiction was not without appeal would be to the fullest extent by setting the chancellor at liberty. But if it had been made, he must acknowledge all prophet as he was (for the hon. and learned gentleman pleased to designate the opinion he had stated), that great good would be done, though he should undoubtfully consider any experiment of the kind as liable to equal objections. He opposed the erection of the vice-chancellor's court at that period, it was

why he should wish now to see it demolished. It had once been said by an hon. gentleman, whose illustrations were generally apt, that when an evil existed, to undo it again was not always the way to remove it; for if a man fell out of a window and broke his leg, it would not cure the fracture to throw him back again. So it appeared to him with respect to the vice-chancellor's court. The second ground on which he had opposed the erection of that court was, that the evil complained of existed in the jurisdiction of the House of Lords, and that it was, therefore, in that house that the remedy ought to be sought. So that the whole of the argument of the hon. and learned gentleman, by which he wished to prove that he (Mr. Canning) was bound in his vote now, by what he had expressed in 1813, fell to the ground, and formed no argumentum ad hominem which could possibly affect him.—With respect to the other branch of the inquiry, the delays in the court of Chancery, he did not state it as invidious in the hon. and learned mover, and certainly he could not with justice to the other hon. and learned gentleman (Mr. Brougham) impute any thing of the sort to him. He did not believe that there had been any studied unkindness with respect to the noble and learned lord; but this he must say, that, from the whole course and current of the debate, from expressions used (no doubt in the warmth of the moment, and not meant to go to the extent which they did), he was convinced that the House could not go into the inquiry without its being considered, in the eyes of the public and of all mankind, as an accusation against the lord chancellor. Certainly he did not impute to the hon. and learned members for Lincoln and Winchelsea any intention of making such accusation, and he equally acquitted the hon. and learned member for Nottingham of it; though he confessed he found it more difficult otherwise to account for some of his expressions. But though there was no intention of impeaching the judgment, the diligence, the capacity, or the integrity, of that eminent person, yet, as he felt confident that an inquiry would, in the eyes of many persons, be construed into a stain on his character, and thereby tend to neutralize the effect of the high qualities which it was admitted on all hands the noble and learned lord possessed, those considerations would restrain him from giving his vote

for the proposed inquiry to the appeals in the House of Lords, that House was now empowered to give a remedy, and he therefore thought that it would be expedient for the House of Commons to interpose to clear up the arrears in the court. He was assured they were not, and they were universally known to be so, and as he could not doubt the noble and learned lord's intention, he was in no means in his power of refusal. He could not consent to give any ground which would cast any doubt upon the noble and learned lord's intentions—much less could he give any ground which might appear to call in question the noble and learned lord's character, personal, or official, into question.

Sir *F. Blake* asked, if the question was to be decided by the court of Chancery thirty years, where the case would be found? He would answer, that he felt for those suits which were present might all be cleared up, but in a happy predicament before, therefore he would most warmly support the motion.

After a short reply from Sir *F. Williams*, the House divided. Ayes, 174. Majorities against the motion, 85. The House adjourned at two o'clock.

#### *List of the Members*

Allen, J. H.	Fergusson
Althorp, visc.	Glen
Anson, Hon. G.	Grange
Barnard, visc.	Grange
Benett, John	Griffiths
Bennet, hon. H. G.	Guisborough
Benyon, Benj.	Gipps
Blake, sir Francis	Hobart
Bright, H.	Hunt
Brougham, H.	Hurst
Byng, G.	Jamieson
Calcraft, J.	Jervoise
Calcraft, J. H.	Kennedy
Campbell, hon. G. P.	Kennedy
Campbell, W. F.	Lamb
Carter, J.	Lamb
Cavendish, lord G.	Lang
Chaloner, R.	Lemon
Coffin, sir I.	Lenn
Creevey, T.	Leycester
Craddock, col.	Lush
Davies, T.	Lead
Denison, W. J.	Mabey
Denman, T.	Maclean
Ebrington, visc.	Marj
Ellice, Edw.	Milb
Evans, W.	Milton
Farrand, R.	Mon



Newman, R. W.	Scott, James
Normanby, visc.	Sebright, sir J. S.
O'Callaghan, J.	Sefton, earl of
Ord, W.	Smith, Robert
Palmer, C. F.	Sykes, D.
Philips, G. sen.	Talbot, R. W.
Philips, G. H. jun.	Taylor, M. A.
Powlet, hon. J. F.	Tierney, G.
Price, R.	Titchfield, marquis of
Pym, F.	Townshend, lord C.
Rice, T. S.	Webb, Edw.
Ricardo, D.	Whithread, S. C.
Rickford, W.	White, col.
Robarts, G. J.	Williams, sir R.
Robarts, A. W.	Williams, W.
Robinson, sir G.	TELLERS.
Russell, lord J.	Williams, J.
Scarlett, J.	Abercromby, hon. J.

## HOUSE OF COMMONS.

*Friday, June 6.*

RECIPROCITY OF DUTIES.] The House having, on the motion of Mr. Huskisson, resolved itself into a committee on the Reciprocity of Duties,

Mr. *Huskisson* said it now devolved upon him to state shortly the nature of the alteration which he was about to propose in the commercial policy of the country. Although that alteration was in itself most important, and an entire departure from the principles which had hitherto governed our foreign commerce, yet his plan was so clear, and the benefit to be derived from it so obvious, that he trusted he should, in a few words, shew the committee the propriety of adopting it. Honourable members were aware that it had for a long time, indeed from the passing of the Navigation act, been our policy to impose upon cargoes, brought in foreign vessels, higher duties than those imported in British bottoms, and also in many instances to allow smaller drawbacks upon articles exported in foreign, than upon those exported in British ships. Now, whatever might be thought of the policy of such a measure, it was all very well so long as the nations with which we traded acquiesced in it. But when once the attention of those countries was called to it, it was not likely that such an inequality could last much longer. Accordingly it was found that the greatest commercial nation in the world, after Great Britain, and our great rival in trade—he meant the United States of America—finding the pressure of this tax, immediately commenced the retaliatory system, by imposing duties upon all articles imported into that country by

British ships. The consequence was, that great embarrassment and inconvenience arose in the commerce of the two countries. So many cases where the increased duties prevailed the freight, it became necessary to have two sets of ships employed, to have British ships to take our produce to that country, and American ships to take American produce to that country. We were of course obliged to be port in ballast. We however got rid of this inconvenience by placing American vessels on the same footing as English with respect to duties, and they, acting upon the principle of reciprocity, did the same with our ships. Portugal, finding the disadvantage which attended the course pursued by the Americans, soon obliged her on the same footing. At the same time the pressure of this system began to be felt by other countries, and steps were taken to adopt a retaliatory system. In July 1821 the Netherlands passed a law, imposing a duty of 10 per cent. upon all cargoes imported in Dutch vessels. At the same point of fact, though not directly, imposing a duty of 10 per cent. upon all cargoes of all other vessels. The government of the Netherlands, in adopting this regulation, were actuated by a desire to place our commercial regulations of this country on a footing equal to theirs; and that they did so was a warning to us to change our policy, and a wish to establish it as a permanent measure; for he found that, the law which was passed in 1821, it was not until the beginning of 1822 that period it had been in operation, and had been strongly felt in this country with that power was not the only power which had acted. Prussia had also raised duties on our vessels, and had intimated in a manner not to be mistaken, that she would more fully adopt the retaliatory system, if we continued our present policy.—In such a state of things it was quite obvious, that we must pursue one of two courses—either we must submit to a commercial conflict, the instrumentality of protecting our prohibitions (a measure which, he believed, no man would venture to propose) or else we must admit other Powers to a per-

and reciprocity of shipping duties. The latter, he thought, was the course they were bound to adopt. Its effect, he was persuaded, would lead to an increase of the commercial advantages of the country; while, at the same time, it would have a tendency to promote and establish a better political feeling and confidence among the maritime powers, and it would abate the sources of commercial jealousy. It was high time, in the improved state of the civilization of the world, to establish more liberal principles; and show, that commerce was not the end, but the means of diffusing comfort and enjoyment among the nations embarked in its pursuit. Those who had the largest trade must necessarily derive the greatest advantage from a better international regulation. He had no doubt that when England abandoned her old principle, the United Netherlands, and the other powers who were prepared to retaliate, would mutually concur in the new arrangement. He was prepared to hear from the hon. member near him (Mr. Robertson) that the proposed alteration would be prejudicial to the British shipping interest. In such an observation he could not concur; for he thought, on the contrary, that the shipping interest of this country had nothing to apprehend from that of other nations. The committee would recollect, that when the alteration in the navigation laws was projected, similar unfavourable anticipations were made by part of the shipping interest; but these anticipations proved in the result entirely unfounded. It was quite time to get rid of this retaliatory principle, which, if carried to the extreme of which it was susceptible, must injure every species of trade. One sort of shipping would be carrying the trade of one country, and then returning without an equivalent advantage, to make way for the counter-vailing regulations of another power, or else to return in ballast. What would the country think of the establishment of a waggon which should convey goods to Birmingham, and afterwards to return empty? The consumer would, he thought, be little satisfied with such a mode of regulating the conveyance of his merchandise. The consequence would be, that there must necessarily be two sets of waggons to do that work which was now performed by one, and that too at a considerable increase of price on the raw material. We were not able to carry on a

system of restriction, had been for some time, unavoidable difficulties. commerce, it was true, thrive rapidly; but they should adopt every measure either could be fostered. What he meant to propose duties and drawbacks should be allowed upon all goods either imported or exported by foreign vessels; giving the council a power to declare that such conditions should extend to all countries inclined to act upon a system of reciprocity, but reserving to the king the power of continuing or relaxing such restrictions with respect to any country who should decline to do so. Jealousy might perhaps be allayed by vesting in the king the power as that of continuing or relaxing a tax; but it should be remembered that here was no power of imposing a tax. All that the Crown could do in this case, would be to continue or relax a duty where another power decided on a system of reciprocity, or to impose a duty upon vessels belonging to a country, in retaliation for a duty imposed by that power. He intended the king of Prussia to retaliate when England relaxed her regulations. Indeed he had no doubt, that of the Prussian government, for knowing that intention. That minister, in his note, the principle of reciprocity, his majesty to be, an admission of reciprocal commercial restrictions, reciprocal nuisances, prejudices, having reciprocal interests, particularly to those engaged in commerce: and that the power was, to substitute, in the place of prohibitions, reciprocal concessions.—The right hon. gentleman by moving:

1. "That it is the opinion of the committee, that his majesty be ordered in council, to declare that no importation or exportation of goods by foreign vessels may take place without payment of the like duties, drawbacks, bounties, and are payable or granted on such merchandise when imported in British vessels from any country in which no other duties or drawbacks, bounties,

granted on the importation or exportation of merchandise in British vessels, than are charged or granted on such merchandise when imported or exported in vessels of such countries.

2. "That his majesty may be authorized by order in council, to direct the levying and charging of additional duties of customs, or the withholding of any drawbacks, bounties, or allowances, upon merchandise imported or exported into or from the united kingdom, in vessels belonging to any country in which higher duties shall have been levied, or smaller drawbacks, bounties, or allowances, granted upon merchandise when imported into or exported from such country in British vessels, than are levied or granted upon similar merchandise when imported or exported in vessels of such country."

Mr. *Ellice* said, that agreeing as he did with every thing which had fallen from the right hon. gentleman, it was not his intention to enter into the details of the proposed measure. He rose solely for the purpose of repeating a request which he had made last year. He hoped that while the right hon. gentleman was taking off these restrictions, he would take care so to reduce the duties upon the materials used in ship-building, that the British might be enabled to compete with the foreign ship-owner. Take the article of hemp for instance. A duty of 9*l.* or 10*l.* per ton was perhaps not much when hemp was 96*l.* but now that hemp had fallen to 30*l.* or 40*l.* per ton, the duty was the same. He did not mean to say that the shipping of other countries were exempted from this duty, but only that care should be taken to keep the ship owners of this country on an equal footing with those of other countries. He thought also that returns ought to be made to the House of the manner in which this power was exercised by the king in council, and—

Mr. *Huskisson*.—That forms a part of my measure.

Mr. *Ellice*.—Then I have nothing more to say.

Mr. *Sykes* said, that when he considered that this bill would go to the root of the naval system of Great Britain, and that under the law as it now stood, that navy had flourished and become great, he could not help recommending the utmost caution, before the proposed alteration was adopted. He hoped that, under the impression of such a feeling, it was not too much to ask the

right hon. gentleman to permit stand over until the next session have it in the interim printed and circulated among the shipping interest, so that those interested would have the opportunity of being heard respecting the property. He also strongly recommended that government should attend to what had fallen from the hon. member respecting a reduction affecting the shipping interest, and relax the excise system relating to contraband goods, to which he had alluded on a former night. There was another subject, which he hoped the committee on foreign trade would sift to the bottom, he meant the abominable condition of British shipping in the shape of duties; which, singularly enough, had decreased as the consul was sent to Great Britain, and increased as the distance from the mother country increased.

Mr. *Wallace* merely rose to give his general concurrence in the resolution proposed by his right hon. friend. He did not wish to deny, that the system of duties which this country had had been of advantage, as long as our powers were disposed to submit to it; but now, when every country was disposed of affording protection to its commerce, it was impossible that our commerce could continue without retaliation. He was perfectly satisfied that a system of reciprocity between our country and other countries would be the most advantageous that could be adopted. It would not change the propriety of his right hon. friend's proposition, to find that it was the shipping interest; for, in his opinion, of his official experience, he was satisfied that on every occasion when ship owners had come forward to support a public measure originating with government, they were universally wrong. With respect to what he had said about the necessity of deliberation, he observed, that if the measure was adopted at all, the sooner it was adopted the better. If the ship-owners were hostile to the proposed bill, parliament, he had no doubt, would soon be made acquainted with their sentiments; for he had always been very ready to state their objections to any measure which had been proposed. He believed that the fears which were expressed of the injury likely to be done to the mercantile interest from carrying the bill into effect, were the views of his right hon. friend.

were perfectly groundless. The shipping of Great Britain was perfectly able to compete with that of any other country.

Mr. *Robertson* opposed the resolutions, on the ground that, if carried into effect, they would increase the distresses under which the shipping interest at present laboured. He would prove, from documents in his hand, that the shipping interest was not in so flourishing a state as had been represented. In the period from 1821 to 1823, there had been a falling off in ship-building to the extent of 161 ships, and 122,000 tons. In the same period, there had also been a decrease in our navigation, to the amount of 732 ships, 129,000 tons, and 8,000 seamen. Such had been the consequence of the system recommended by political economists. The end of that system would be, to drive the trade of Great Britain into the hands of foreign countries. This was the only country in Europe which was abandoning the system of protecting duties. A few years ago, when America obtained some concessions from us, she wished to obtain similar concessions from France; but the French government would not yield a jot, and imposed a light duty on importations from America, who, in her turn, did the same with respect to France. The views entertained by the president of the Board of Trade might be favourable to the mercantile interests, but they were certainly prejudicial to ship-owners and builders.

Sir *I. Coffin* said, that the hon. member who had just sat down, seemed to entertain serious alarms for nothing at all.

Mr. *Ricardo* said, that the country was much indebted to his right hon. friend (Mr. *Huskisson*) for the enlightened views he had taken, and the measures he had brought forward, to improve the commerce of the country. Parliament had, at length, begun to find out, that restrictions on commerce were restrictions, not on other countries, but on ourselves. It certainly was a question of policy whether England should take off the duties without receiving reciprocal advantage from foreign powers; but, if foreign powers recognised the same liberal principle, there could be no doubt that the advantage to England would be double the advantage which any other country could derive from the regulation. An hon. member had said, that it would be to his personal advantage to second the principles laid down, but that personal benefits ought to be sacrificed for the good of the navy. Now,

VOL. IX.

with respect to the navy prehension whatever. In the navy, the facility for the superiority of this country of art, the great capital of the people, were so marvellous that the navy would not fall. He hoped soon to see Canada preference which she gave to the timber trade, and placed upon the same footing as Sweden.

Mr. *T. Wilson* rose, to oppose the resolutions, but to express his opinion that the bill to be introduced would operate injuriously to the interests, government would be obliged to take measures to remedy the evils which affected ship-building.

Mr. *Marryat* said, he believed that the duties between Great Britain and the United States of America were unequal. All the British ship-owners were labouring under great distress, and the loud complaints of the ship-owners were certainly deserving of attention. He stated, that five-sixths of the shipping trade between Great Britain and America was carried on in British ships. Now, it was not to be expected that ship-owners to expect, that the advantages which the British could remedy would be remedied. He was of opinion that the duties on goods imported from the Baltic should be reduced; and with that exception, he would support the principle of the bill, in the convenience under which the shipping interest laboured from the present system. It was the duty of the government to act upon liberal principles in some instances, in order to promote the commercial interests of this country in particular.

The resolutions were agreed to.

IRISH TITHES COMPOSITION BILL.  
On the order of the day for the consideration of this bill,

Mr. *Dominick Browne* stood up to the bill, the provisions of which he contended, were calculated to gratify rather than conciliate the people. He thought it would be better to postpone the bill now, but take time to consider the subject; and with that in mind, he must oppose the bill, and was quitting the chair. He suggested that the House now going into committee, that the further consideration of this bill be postponed to



months. He had two great objections to the measure in its present shape. The first was to the mode of constituting the vestry, and imposing the tithe. By the bill as it now stood, a majority of the payers of tithe would be taxed without being represented in the vestry. This was one objection which he had to the present measure. The second was, the power given to arbitrators, or assessors, to raise any living one-third of its present value at their discretion. He would rather the tithe system should continue in its present state, than have it thus regulated at the expense of the rights and properties of individuals.

Mr. *Dennis Browne* said, he did not wish to revive angry recollections, but he would say, that the former policy of England towards Ireland was fraught with injustice and oppression. Ireland had a flourishing woollen manufacture, a branch of trade which, if encouraged, would have gone on progressively advancing, and would of itself have been a source of national prosperity. Yet king William promised his parliament to put down that trade; and his majesty kept his word. The Irish woollen manufacture was destroyed, and a fatal blow was thereby given to the prosperity of Ireland. The growth of tobacco was also prevented; and Ireland was prevented from disposing of her wool to any country but England, and to England only at her own price. The hon. gentleman went on to explain the motives which induced the Irish parliament to take away the agistment tithe. The regulations on this head were most objectionable in principle, and would prove most burthensome in operation. He strongly objected to the power being given to the arbitrators, to advance the claims of clergy at their own discretion. The bill was so objectionable, that he should oppose its proceeding any further at present. He thought the measure should rest where it was till the next session, and that a parliamentary commission should be appointed to inquire into the state of the several parishes in Ireland, and to report their observations to the House.

Mr. *Abercromby* said, he was one of those who felt that some of the provisions of the bill were highly objectionable; still he was most anxious that the measure should go to a committee. The bill contained principles to which he never could agree; and if it were not amended, it would be his painful duty to oppose it. The mea-

sure, countenanced as it was by the description of persons in Ireland, well as the poor, had given rise to expectations. The duty, then, that House was, to give it every consideration. Should they ultimately to reject it, they would have the consolation of feeling they had done their duty.

Sir *J. Newport* was of the same opinion. He thought if they now stopped the bill, it would have an ungracious appearance. They had not yet reached the point at which were the most objectionable parts of the bill. Of opinion they should go to a committee, and render the bill as possible; and after it came before a committee, every gentleman would have full liberty to reject or support it as he thought proper.

Mr. *W. Bankes* disapproved of the bill as it now stood; but, in deference to the Irish gentlemen, he would not go into a committee.

Mr. *Wetherell* repeated his objection to the measure. If it was at all likely to be rejected, he thought it was at what stage the rejection took place should therefore oppose going to a committee.

Mr. Secretary *Canning* said it was scarcely possible that a measure of such magnitude and importance, involving many opposite interests, and exciting many apprehensions, should not be subject to some objections. If the learned gentleman thought the bill capable of amendment, the most judicious course would be, to suffer it to pass through the committee with all its faults, with the avowed intention of amending it when it should come out of the committee; but it would be most unusual and strange to strangle the measure in its present stage. If the bill were thrown out in the present stage, the disquietude out of which it originated would necessarily be increased, and its rejection would not merely be a loss of a good, but a great practical misfortune.

Colonel *Barry* did not think the measure could be rendered acceptable without modification. If the compulsory provisions were abandoned, he should have no objection to the measure, being rendered unobjectionable as it was capable of being rendered; but, if that clause were retained, he should resist going to a committee; for he was satisfied the measure, so far from having a con-

effect, would extend disquietude to every part of Ireland.

Mr. *Peel* said, that his right hon. friend's objection to the compulsory clause was not a valid reason against going into the committee, because he would have a full opportunity of discussing that clause, and stating all his objections to it, in the committee. For his own part, if the compulsory clause were omitted, he would lend his aid in endeavouring to make the bill as perfect as it was capable of being made; but he would not consent to any principle of compulsion, unless the full rights of the church were secured.

Mr. *V. Fitzgerald* not only objected to the compulsory clause, but thought the principle of the bill so objectionable, that even if that clause were withdrawn, he should still feel it his duty to oppose it. He would consent to go into the committee, with the declaration that his objections to the measure were not only unabated but increased, and with the anticipation that he should be ultimately compelled to vote against the whole bill.

The House having resolved itself into the Committee,

Mr. *Goulburn* called the attention of the committee to an amendment which he thought founded in justice. The object of it was, that where tithes had been paid or agreed for, and the sum so paid or agreed for was not adequate to the just claim of the clergyman, it should be in the power of the commissioners to add to their award a sum not exceeding one-third of the amount of the tithes.

Mr. *Calcraft* thought it would be sufficient to give the commissioners a power to add one-fifth.

Mr. *V. Fitzgerald* thought the mode of appointing commissioners so vicious, that he should not consent to give them any discretionary power. The effect of this amendment would enable the commissioners to give the clergyman a compensation for tithes which no one had ever thought of demanding.

Colonel *Barry* said, it would remove some of his objections to the bill, if an appeal were given from the decision of the commissioners, to the lord-lieutenant in council.

Mr. *Goulburn* said, he should oppose any such amendment, because he thought an attempt to reach such a nicety in legislating upon this subject would have the effect of making the bill inoperative. In some parishes there were 2,000 persons

paying tithes, most of ignorant men. Now, conduct an appeal? The lieutenant and council were not always sitting when decisions were adopted, the appeal in every case where there was a difference between the clergy and parishioners, which would involve the expenses of the party.

Mr. *Goulburn's* amendment.

Upon the clause giving the power to fix the amount to be paid by any party.

Mr. *S. Rice* contended that the rate of compensation should be the amount paid to the clergyman on the average of the last ten years. He alluded to a resolution adopted at a meeting of the land proprietors of Ireland some time ago at the Thatched-hall, where he contended that the basis of valuation was the same as it was now, and now wished to have the valuing of tithes in Ireland should be recollected that the clergy would gain a considerable sum by having his present precarious income made certain.

Mr. *Goulburn* protested against the course which the hon. gentleman wished to adopt. When he proposed to take last year's receipts as a basis, he asked to recollect what was the state of the country in many parts of Ireland? It had been in collecting tithes, and how unnaturally the clergy had, in many instances, been treated? He denied that the hon. gentleman's proposal should bear the construction put upon it by the hon. gentleman. The hon. gentleman stated, that, for the tranquillity of the country, it was desirable that, for the precarious income of the clergy, an equivalent should be given for the full value of their tithes. An equivalent must mean something that they were entitled to, and it never could be meant that the precarious income of the last year should be taken as the standard for the next year.

Sir *J. Newport* said, that those who agreed to the bill had been adverted to, was to give the clergy a certain, instead

income, and that in such a manner as not to set the clergyman and his parishioners in opposition to each other. When the right hon. gentleman talked of the reduced incomes and deprivations of the clergy, he should not forget the deprivations which the landlords had suffered, and the reductions of rents which they had been obliged to submit to. The proposition of his hon. friend only related to compensation to the clergyman, and not to future composition, which was to be fixed on the average of the last seven years, and would give to the clergy an income far above the standard of the present price of corn.

Mr. *V. Fitzgerald* thought the clergy would obtain a great advantage by getting security for their incomes on the land of Ireland, instead of precarious payment as at present, from an insolvent peasantry.

Mr. *Dawson* objected to the proposition. Did the House know what at present was the state of the South of Ireland, and of the clergy in that part of the kingdom? He had that day received a letter from an individual in that quarter, upon whose statements he could rely: and, amongst other instances, the writer stated, that the clergyman of a parish valued at 800*l.* a year, was now in a state of great distress, having 7,000*l.* due to him for tithes. In another parish, valued at 1,200*l.* a year, the clergyman was in the same situation, and was now deliberating whether he should or should not throw up the living. The writer of the letter himself, who was the incumbent of a living estimated at 1,400*l.* a year, had, in the last year, received no more than 160*l.*, and had several thousand pounds due to him for arrears. Under this state of things would it be just, to estimate the amount of compensation upon the receipts of last year?

Mr. *S. Rice* had never contended that the value of the living was to be estimated upon the receipt of last year; but in speaking of compensation to a man for what he had never had, he contended they were not called on to give a compensation for what it was not likely the clergyman would ever recover. He would give as much in the case of the 7,000*l.* arrears mentioned by the right hon. gentleman as the 7,000*l.* was fairly worth.

Mr. *Peel* condemned this mode of valuing compensation, as cruel and unjust to the clergyman.

Mr. *Grey Bennet* said, that a three years' average out of the last seven years might

be so selected, as to give a price of corn than we could be kept up in future. If the land in Ireland could be brought to a contract, he had only to wish for their bargain.

Mr. *Ricardo* thought the regulation should be regulated every three years, that such regulation should be based on the average price of corn for three years.

The clause was then agreed to.

On the clause for regulating the award by the commission.

Colonel *Barry* proposed, that an appeal should be allowed to be paid 5*l.* in tithes, if dissatisfied with the award, to the lord lieutenant in council.

Mr. *Wetherell* felt objections to these new powers in the commission, and was still more opposed to the large power to the appellant judge with which the lord lieutenant in council, was to be intrusted. He desired that those powers were awarded with all the existing laws for the regulation of church property.

Mr. *Plunkett* said, that extending the power of the Irish government without a similar power might be found. The lord lieutenant and his council were to be of appeal for cases in which salaries had been awarded by the parish for useful service in rescuing a wreck, should be called in question. He had the same power in the case of a soldier's money and in several other cases. He thought the appeal was necessary to prevent the corruption or misconduct of commissioners of award.

The clause was agreed to. The clause proposed was that which was termed the compulsory clause. The object of it was, in cases where the lord lieutenant and the minister differed as to the appointment of an umpire, to empower the lord lieutenant to appoint a commission to make a composition, according to the quantity and value of the land in the parish.

Colonel *Barry* objected to the clause because it would convey too much power to the lord lieutenant, who were not likely to be well qualified for the power of judging in all questions, many of which involved nice points of law.

Mr. *S. Rice* strongly objected to the clause, which went to give up their extreme rights, and greatly to diminish their present incomes. In

the clergy were to pay, this question of extreme right was never heard of; but where they were to receive, it was never forgotten. If they were to be paid their extreme right, it was the duty of the House to call on them to do all which the tithe was granted for. He especially alluded to their duties as regarded the education of the poor. It had been the intention of the present lord Maryborough, had he remained in office, to have proposed the imposing a duty of  $2\frac{1}{2}$  per cent. on the incomes of the clergy, to raise a fund to be applied to educating the poor. He would take the sense of the House upon this clause of the bill, and hoped that not a single Irish member would be found to vote for giving this extreme right to the clergy.

Mr. *Hume* wished to know if it was intended to introduce a clause into the bill, declaring that no clergyman should be entitled to composition who did not reside on the living?

Mr. *Goulburn* replied, that he had no such intention at present. The bill was already sufficiently incumbered with provisions, and there were besides other reasons which rendered it inexpedient to add regulations upon a subject which could not be said properly to belong to it. Nobody could be more anxious than he was to enforce the residence of the clergy of Ireland. During the short time he had been in that country, his efforts had been directed to promote so desirable an object; and although he would not pledge himself to take any particular steps at present, he was convinced that some such measure was necessary to secure the permanent improvement and amelioration of the people.

Mr. *W. Bankes* said, he must object to this clause, which went to constitute the lord lieutenant in council a court of equity.

Mr. *V. Fitzgerald* objected to the clause, which, in two-thirds of Ireland, would give to the clergy a payment of tithe never contemplated. The bill, in its present state, would endanger the very existence of the Established church, and, instead of a measure of conciliation, be one of irritation.

Mr. *Wetherell* opposed the clause, because it would compel the government to take in some cases a bad title, and yet give to the clergyman a larger tithe than he would otherwise have had.

Mr. *C. Grant* thought great credit was due to the government, for having origin-

ated this measure, which alleviate one of the gr which Ireland was afflicted; however, to that part of clause, which would give the power to enforce tithes.

Mr. *Goulburn* said, questions before the committee whether they should assent, or resist the clause adopt the amendment was, as it would be to a which might be applied of property. It would be out the clause altogether.

Mr. *Abercromby*, the friend to Catholic emancipation, friend to Catholic ascendancy clause should pass, he Protestant ascendancy not worth five years' objected to it, but approved. He hoped some arrangement come to, which should be relief to the clergy in Ireland.

Mr. *Peel* was desirous the compulsory clause should be there. If he were asked wished for a commission to give to the clergy their dormant rights, he said that he wished for no such thing; he was opposed to the clause upon principle.

The Committee divided on Amendment, 39. Again the clause was then agreed to, resumed.

## HOUSE OF COMMONS

Monday, June 9, 1845

**SILK MANUFACTURE**—On the motion of Mr. Huskisson, this bill was brought up. Mr. *Peel* then called in, and Messrs. *Wilde* appeared at the bar. They were heard against the bill. They had concluded, and Mr. *Peel* moved, "That the Amendment be referred to the Committee to the Bill." Upon which,

Mr. *Fowell Buxton* rose, feeling a sincere interest in the welfare of the population affected by the bill, he should trouble the House with a few remarks upon it. He said, follow the example



counsel, who had just been heard at the bar of the House, by going into the question of the merits of the bill upon the principles of political economy; not only because he felt himself unequal to the task, but because a different question now presented itself; namely, whether the petitioners against the measure should be allowed to prove their case by evidence before the measure was carried further? It was indeed objected to the petitioners, that the bill did not rest upon disputed facts, but rested on admitted principles of political economy; but, when the matter under investigation was one on which the petitioners felt that their very subsistence depended, it was rather hard to say to these poor people, that they should lose their bread by principles of political economy. They knew nothing of those principles; but if they did, they might submit to the House, that it had itself not been over consistent in its observance of those principles. The laws, as they now stood, had been framed during the last reign, and, no doubt, upon what were then deemed "the soundest principles;" and it seemed strange to the petitioners, when they were told, that the "soundest principles" now called for their repeal. The petitioners also begged humbly to represent, that they had seen the greatest fluctuations, as to what the "soundest principles of political economy" were. And indeed the House must know, that certain principles of political economy were acted upon some fifty years ago, and which were then undoubted, until Adam Smith gained great credit by overturning them; and recently they had heard his hon. friend, the member for Portarlington (Mr. Ricardo), combat the doctrines of Adam Smith in many particulars, with a clearness and force which had certainly persuaded him (Mr. F. Buxton) of his hon. friend's correctness. The petitioners, therefore, were certainly entitled to ask, what security there was, that some future system of political economy would not overturn the system of his hon. friend, which had overturned the system of Adam Smith, who, in his day, had overturned the system of those who had gone before him? What was right, he could not pretend to say. On the one hand, he saw united together, men who maintained, by general reasoning of great cogency, that the very petitioners would be benefitted by the repeal: on the other hand, he saw the petitioners who ought

to know something of their own case, positively declaiming, that the bill would be their ruin. Between them he could not pretend to decide; but he thought that the question be referred to a committee. The petitioners had never been heard at all; and their case respectfully submitted to the House, should be allowed to produce evidence, and be enabled to establish a case, and to show, that the existing law should be allowed to remain. Some evidence, which bore on the measure, the House had been elicited from a committee which sat on a subject connected with the present; namely, the case of the Coventry silk-weavers. No working weavers, but some manufacturers were then examined. The town-clerk of Coventry was asked the amount of the poor-rates in Coventry. Answer, 19s. in the pound. A surveyor of Spital-fields was asked the amount of the poor-rates there—Answer, 14s. in the pound. The Spital-fields weaver therefore might justly say, "The acts under which our trade is established makes us paupers. What is the fact? Our poor-rates are only as much as those of the silk-weavers of Coventry." Again, he was asked by the committee, what was the ordinary amount of a silk-weaver's earnings per week at Coventry?—Answer, 5s. 6d. to 10s. per week. What was the ordinary amount of a silk-weaver's earnings per week in Spital-fields?—Answer, from 14 to 15s. per week [He then asked a Spital-fields weaver might the fact? You tell us the tendency of the petition is, to raise our wages. What is the fact? Our wages are double those of the silk-weavers at Coventry." It was asserted, that the bill would deprive them of those earnings, and put them on a scale with the silk-weavers, would be a benefit. He also begged of the House to consider what, if the petitioners were successful, would be the moral effect of the measure. It would tend to pauperise the working population of Spital-fields. It was proved before the committee that the weavers of Coventry obtained half their support from their earnings, and the other half from the poor-rates. In Spital-fields, the workmen were entirely supported by their masters, and were relieved from the moral detestability of the system of paying wages

the poor-rates produced. The low wages of Coventry had produced the system of what was called half-pay apprenticeships, which, as was well known, had given rise to the most frightful profligacy and vice among the young persons thus employed. Now, nothing of this kind was to be seen in the population of Spital-fields, than which a more moral and industrious manufacturing population did not exist among the working classes. So convinced were the committee of 1818, of the evils attending the system adopted in Coventry, that they actually recommended the extension of the Spital-fields act to that place, as the only remedy that could be devised. This was the opinion of the committee of that House, even without hearing the Spital-fields weavers; for they had, as yet, never been heard at all. It was a maxim of the Roman law, that he who decided without hearing both parties, was wrong even when he was right; for he did a wrong to the parties, even when he was correct as to the facts. Upon these grounds, he should, without giving any opinion on the merits or demerits of the bill, move, "That it be re-committed, for the purpose of being referred to a select committee."

Mr. *Huskisson* said, that he might admit the whole of the facts stated by the hon. gentleman, and also by the learned counsel at the bar, and yet oppose the amendment. It was said, that the bill would have the effect of increasing the poor-rates, by throwing the weavers upon them for part of their subsistence. Now, if the poor-rates had not been increased much in Spital-fields, it should be recollected, that the weavers there, in periods of distress, had received very considerable assistance from the public purse. But he was prepared to contend, that, if the present regulations were continued, instead of rendering the weavers partly dependent on the poor-rates, they would make them entirely so, by depriving them of all employment. It could not be denied, that if there existed a competition in any part of the country, by which the work could be done for half the price paid in London, the effect would be to deprive the masters in London of all business, and of course the workmen of employment. They would therefore be in a worse situation than the weavers in the country; for, undoubtedly, the business would be transferred to that part of the country where it could be done cheapest.

This had been already the case in other branches of the trade, in which competition had been raised in other parts of the country. As soon as it was known that such competition existed between the masters and the workmen, it was then referred to a select committee, who would not interfere, but would leave the book of rates to continue as it was. The regulations of the act in question generally was, that the business in which competition arose, was lost to the original place, and transferred to that part of the country where it could be done cheaper. This would ultimately be with the effect of raising the price of trade, if the present regulations were allowed to remain. He thought that if regulations fixing the price of labour higher in the metropolis than in other parts of the country, were continued, the result would be a great reduction of evils to the workmen themselves which no poor-laws could prevent. If the rate were to be fixed in the metropolis, why not extend it all over the country? But, for such a general regulation, he was satisfied no person would be satisfied. Under these circumstances, he was not disposed to go into a committee to go into facts likely to be proved, which would affect the principle of the bill.

Mr. *Ellice* said, he would not oppose an inquiry into the principle of the bill, but he thought there were some facts connected with it, upon which he ought to have information. He would not proceed further. He would not say it was an unwise principle to regulate the price of labour; but parliament had regulated the price of bread, and the price of clothes; and if one such regulation was to be done away with, so ought the Spital-fields acts ought to be done away with. On all accounts, if it were the peaceable assent of the metropolis, who were by no means unthinking uneducated persons, the hon. gentleman imagined that he had implored him to allow the bill to be again brought under consideration in the ensuing session.

Colonel *Wood* wished the bill postponed till next session. He was fortunate to command, for a short time, a regiment of militia, which was supplied with recruits from the metropolis. Now, several of the men who were under him had requested

few words in their behalf. He had, therefore, great pleasure in stating, that, as far as his knowledge of them extended, a more honest, respectable, and well-conducted set of men did not exist.

Mr. *P. Moore* complained of the manner in which it was attempted to hurry this bill through the House. He had not had time to read over the evidence which had formerly been collected upon this subject, neither, he believed, had the right hon. gentleman. He trusted that he would allow the bill to be fully deliberated in a committee next year.

Mr. *T. Wilson* was of opinion, that the repeal of the Spital-fields' acts would be beneficial to the weavers and artisans generally. Still he thought that, under all the circumstances of the case, it would be advisable to allow the bill to go to a committee above stairs.

Mr. *Hume* said, that if he could persuade himself that any fresh information could be afforded upon this subject, he would have no objection to go into the committee. But, what information could they get by such a proceeding, which they were not already in possession of? He was convinced that it would only be a waste of time to take the evidence of the weavers themselves; and, as to the evidence of the master manufacturers, the House had it already, and one and all of them called for the repeal of these impolitic acts. With regard to the argument raised upon the statement that the weavers had never applied to the poor-rates for relief, he should merely observe, that the evidence attached to the report on the poor-laws distinctly proved that statement to have no foundation in fact. He agreed with the right hon. gentleman opposite, that these acts had not promoted the manufactures of Spital-fields.

Mr. *Bright* was of opinion, that inquiry was never more called for. What was asked for was merely inquiry. And, ought the House to refuse it merely because some persons talked largely about the principles of political economy? The hon. gentleman then entered into some details to show the disturbances that had prevailed at Coventry and in Spital-fields, before these acts for the protection of the workmen were passed. Distress, confusion, and discontent, might be the result if these acts were repealed. The trade of Coventry would be removed to London, and it would be easy for a few dissolute men to breed disorders in the metropolis.

Whether there were not some in these statutes which require he would not decide; but if as an additional motive for sending subject to a committee.

Mr. *Ricardo* was as anxious as any member, in cases where all necessary; but, admitting opponents of this bill stated prove, it would not change. If these acts were indeed so they ought to be adopted all country, and applied to every manufacture; but the question whether labour should or should not. The quantity of work must depend on the extent of demand; and if it was great, the number of people employed would be in proportion. If the acts were repealed, no doubt of weavers employed in London would be greater than at present. It would not, indeed, receive such high wages, but it was improper that there should be artificially kept up the interference of a magistrate. The manufacturer was obliged to use a certain quantity of labour, he ought to pay it at a fair price. It had been said that the weavers of Spital-fields received little from the poor-rates. Why? Because there was so much distributed among them. Very little could be raised in the parish; and when great distress prevailed, they actually been had to governmen sums for the relief of the poor. A member for Bristol had talked of "political economy; but the words "political economy" had, of late, become a ridicule and reproach. They were as a substitute for an argument, and had been so used by the hon. member for Weymouth. Upon every view of the subject, the repeal would be beneficial both to the masters and the workmen.

Mr. *G. Phillips* supported the bill. He thought that ministers deserved praise whenever they had the courage to break through any of the abominations which fettered our commerce.

Mr. *Brougham* said, he did not intend to give a silent vote upon this question. The grounds of that vote should be understood. He approved the principle which went to the repeal of the acts—acts which, he was most anxious to allow, were framed upon no sound principles, and the continuance of

felt convinced would do no good, either to the workmen or their employers. But he would have the House to consider that these acts, erroneous and mischievous as they were, had been acted upon for half a century. When this had been the case—when the people who were most deeply interested, and who had for so long a time adopted and regulated themselves, not by their own error, but by the error of the House itself; when they came to pray that those errors should be continued, or at least inquired into, it would be but fair to hear them. To go into the inquiry, therefore, would be a point of policy, for he did not think that that inquiry would be fatal to the measure; and he would recommend it just for the purpose of carrying that measure into effect in such a way as to secure the hearty approval of all parties. If the measure were to be hurried in the meantime, and without inquiry, that would not, he feared, be the case. When a large class of persons had prejudices—he would call them prejudices, and admit that they were not well-founded—had come to the bar of the House, and not only been heard by their counsel, but had prayed to give in evidence, he was of opinion that it was neither justice to them nor to the question itself, to dismiss them with half an hour's speech at the bar, without allowing them the proof they had offered. The effect would be, to send them away disappointed, and to confirm them in those prejudices which a full and careful inquiry might have removed.

Mr. *W. Smith* thought that the inquiry should be gone into, even though it should delay the measure till next session.

Mr. *Monck*, though friendly to the principle of the bill, thought it ought not to pass unless accompanied by the repeal of the combination and emigration acts.

Mr. *Byng* would vote for the committee as he did not think that a delay beyond a week would occur.

Mr. *C. Grant* observed, that from the arguments advanced by the various advocates for the committee, it was evident that it would be impossible to finish its inquiry that session. The mere appointment of the committee would operate with respect to the bill as an adjournment, sine die; and that was a course which he could not agree to. It had been said that his right hon. friend, in submitting the present bill, had founded it on principles of political science, and not on any

VOL. IX.

practical effects as to the Spitalfields. Now, he thought the House, that in the repetitions which his right hon. friend the master manufacturer made his arguments for the acts on facts alone. With argument founded on distress amongst the Spitalfields, he held in his hand the benevolent committee, which stated the distress at one time to be 24,000 workmen were not taking their families at each loom, the calculated number of sufferers 48,000.

Sir *J. Mackintosh* said, to vote for the committee sake of obtaining further he wanted none—not again before the House, for he was not simply on the principle towards those who, under the effects, thought they were injuriously affected by it. He acceded to the committee in the feelings of that large class. But, if he thought its appointment would have the effect of postponing the next session, he would not vote for it because he was convinced such a momentary attainment of its object would only continue irritation, and renew future a measure which he felt obliged to try into effect. Should it be granted, he trusted that the action of its members, and instructions so as to limit inquiry, the House would have such a result.

The House divided: For the committee 60. Against it 68.

#### List of the Members

Abercromby, hon. J.	Denk
Bankes, H.	Ebrin
Brougham, H.	Farra
Bennet, hon. H.	Garn
Benett, J.	Glenc
Bernal, R.	Gran
Byng, G.	Gratu
Bright, H.	Hutch
Beresford, sir G.	Heber
Calvert, C.	Houlc
Calvert, N.	Hami
Calcraft, J.	Hony
Cripps, J.	Iring
Campbell, W.	Jones
Cooper, W.	Kenn
Curry, J. C.	Knot

3 G



King, sir J. D.  
 Leader, —  
 Lennard, T. B.  
 Mundy, E.  
 Mansfield, J.  
 Moore, P.  
 Mackintosh, sir J.  
 Monck, J. B.  
 Maxwell, J.  
 Nolan, M.  
 O'Grady, S.  
 Pitt, J.  
 Pelham, J. C.  
 Robertson, A.  
 Smith, R.

Smith, W.  
 Sumner, H.  
 Tulk, G. A.  
 Wood, M.  
 Wood, col.  
 White, L.  
 White, col.  
 Whitbread, S. C.  
 Westerman, hon. H.  
 Williams, J.  
 Williams, sir R.  
 TELLERS.  
 Buxton, T. F.  
 Ellice, E.

LEEWARD ISLANDS—FOUR AND A HALF PER CENT DUTIES.] On the Order of the day for the House to resolve itself into a Committee of Supply being read,

Mr. Creevey rose and said, that according to a notice he had given, he should object to any further supply being granted, until the House had decided upon a grievance which he was now about to submit to them. That grievance was the duty of four and a half per cent which was levied exclusively upon all the commodities of the Leeward Islands. Upon former occasions when he had brought this subject before the House, he had done so upon the ground only of the misapplication of this fund. He had shown on those occasions, that this fund had been created by laws of the colonies which were still unrepealed, and for public specified colonial purposes, and yet that, in defiance of such laws, this fund was now pretty nearly absorbed in pensions amongst the higher orders of persons in this country; and he had sought the restitution of the fund to the original purposes for which it was created. Events, however, had happened in the present session which induced him to take a new course upon this subject. He held in his hand five petitions which had been presented during this session, from the Colonial Assemblies of each of the Leeward Islands, Barbadoes, Antigua, St. Kitts, Nevis, and Montserrat, and which, with the permission of the House, he would read, condensing the substance as much as he could [Here the hon. member read the petitions]. He would ask the House, if stronger pictures of misery could be drawn, than those in their petitions? And he called upon them to observe, that this impost of 4½ hogsheads in the hundred out of all their sugar, with the same proportion out of all their rum, and

all other commodities of the Islands particularly stated in each petition, great additional aggravation of misery, because it was levied upon their Islands, whilst Jamaica the other old islands and all the elements in America, such as Cuba and others were entirely free. Could any thing be more unjust and partial tribute, in addition to their contributions to the war, and when we recollect too how much tribute on sugar and rum were distributed in pensions to persons of rank in this country, he really could not think that such persons could sleep in peace after reading or hearing the petitions which he had that night read in the House. Under all the circumstances then, of the oppressive nature of the tax, and above all, of its present application, instead of that it should be applied in the manner prescribed by the act creating it, would induce the House, if he could pronounce an opinion, that the tax ought to be abolished altogether. On this, no one knew better than he the difficulties he had to contend with the petitioners of Antigua, when they fling themselves upon the "sanctity" of parliament, could he imagine, poor people, that the suffering their petitions to their representatives. The majority of the state in their petitions, that they made their complaints to the government repeatedly, but without effect. Why, they are not aware, perhaps, that the right hon. gentleman (Mr. Canning) the managing the king's government in that House himself taken a pension of 5000000 out of the sum for certain of his family about twenty years ago who has enjoyed it ever since. The right hon. President of the Board of Trade (Mr. Huskisson) had the same sum for a jointure upon his wife in the event of her surviving. That the oldest privy councillor in that House (sir Charles Canning) had enjoyed a pension of 1,500,000 out of this fund for twenty years, and thus really 30,000,000 sterling out of the revenue of these devoted colonies. In such circumstances, the king's revenue either in that House or out of it, is not the most obvious tribunal

unhappy Islanders to appeal to. Not but what, in other parts of their conduct, these same ministers afforded proof enough that the miseries of the colonies were perfectly well known to them. When the competition between the West-India colonies and our possessions in the East Indies were the subject of discussion, then the king's government were full of compassion for the West-India colonies; then they insisted that the distress of the latter was so great, from the depreciation of its produce and expense of cultivation, that they put a duty of 15s. a cwt. upon East-India sugar as a matter of favour and justice to the West Indies. Thus making the public consumer pay this additional duty for his East-India sugar, but entirely overlooking the relief to be afforded by the abolition of their own pensions upon the Leeward-Island produce. There was another notable proof that the government were well instructed in the ruin of these Leeward-Islands, for the fact was, the depreciation in the value of colonial produce had become so great, and the pensioners upon the Leeward-Island fund had become so crowded, that the duty of 4½ per cent raised out of the produce of all the Leeward Islands was no longer sufficient to pay these pensioners the full amount of their pensions, and accordingly it appeared by a return to that House of the application of the droits of Admiralty, and which he then held in his hand, the Leeward-Island pensioners had had the modesty to help themselves to no less a sum than 13,000l. out of these droits, in order to make up for the deficiency in the other fund. And here he must be permitted to doubt the legality, as well as decency and justice, of the latter proceeding. The charge of the Leeward-Island pensioners was a charge *in kind*; they were pensions on sugar and rum; the pensioners those that fund themselves; they were like Shylock and his bond; and they had no right when that fund became depreciated in value, to help themselves out of any other, for the purpose of making up the difference. But there was no such artist as your pensioner. He always knew how and when to turn himself. What a contrast was exhibited in the present case between the skill of these unhappy Leeward-Island planters, and their own pensioners. There was another class of pensioners upon this fund, to whom it was his duty to advert; and in doing so, it was his wish

and intention to show respect that was due to parties; but it was the pensioners, which, in part of his case, because of great difficulty of removing petitioners, for instance, have applied for redress as well as to his minister, know, with the same they were not aware, majesty had granted a pension per annum out of this to the princess of Hesse another to the same amount the duchess of Gloucester must say, without meaning personal disrespect to any of parties, that when he great parliamentary process had been made by the nation, cesses, and the enormous by his majesty, he must think, that any act of majesty to his royal majesty have flowed from his majesty and then these devoted Leeward Islands should be the honour of contributing these illustrious ladies. were five pensions of 500l. five Miss Fitzclarences, a serve, a second time, the nation had done for the pension, it was his opinion that a person ought to maintainance of his own family of leaving them to be supported by the Leeward Islands. He stated all the facts which would be necessary on this occasion to the House, if they would take such a case into their consideration and if they refused so to be trusted, that at all events, no more jokes from the right man (Mr. Canning) upon parliamentary reform. It was possible for him ever again to field with his "Red Lion," Bohemia." The cause and attachment to that House it now was, would be too in short, after refusing to take case as this, that House indeed to preserve the majesty of the representatives of the people world would pronounce it more than a private and interest providing for and supporting

members or their families, by every means within their reach, at home or abroad, belonging to these kingdoms. After observing, that he had preferred bringing forward the present question as a grievance before the business of supply, to bringing it on as a separate order, that course having been constantly pursued in the days of our ancestors, and the question of supply being truly the proper introduction to the mention of grievances of every description, the hon. member sat down by moving, by way of amendment, the following Resolutions, in which he had endeavoured, he said, to embody the petitions of the persons in whose behalf he proceeded:—

“That it appears to this House, by petitions presented to it this session, from the Colonial Assemblies of each of the Leeward Islands, that the planters and proprietors in those colonies are, from various causes, reduced to a situation of distress and misery, which, if not relieved, must shortly terminate in their utter ruin.

“That in the Petition from the Island of Barbadoes, the Petitioners state, ‘that were they to go into a detail of their distresses, they could furnish ample and melancholy proofs thereof in ruined families and individuals, multiplied sales of estates, and the straitened and unhappy condition of all who are solely dependent upon West-Indian resources, and that fluctuating as the prosperity of those Colonies has undoubtedly been, yet the present calamitous depression is beyond all former precedent, and much greater than on those occasions when parliament did not hesitate to investigate the circumstances which produced the evil:’

“That in the Petition from the Island of Antigua, the Petitioners state, ‘that they are reduced to such an extremity of distress, that actuated by the uncontrollable impulse of self-preservation, they can no longer refrain from throwing themselves on the wisdom, liberality, and enlightened feeling of this House, and they pray for such relief as to such magnanimous councils may seem expedient and proper:’

“That, in the petition from the island of Montserrat, the petitioners state, that, ‘unable any longer to contend with their difficulties, or to ward off, unassisted, the ruin with which they are threatened, they feel themselves under the imperious necessity of appealing to this House, to take into its consideration

the miserable condition flourishing, but now de- that they have, with the received intelligence of u presentations made by t connections in the mothe majesty’s ministers; and, press their regret on the proposed modes of relie the House to them, as t means of rescuing from struction that valuable p jesty’s dominions:’

“That in the petition fi of Nevis, the petitioners a period has at length arrive submission to the unpr tresses which now overwh tunate colony would bec any class of subjects enjo and privileges of the Briti and that as a respectful House is still open to then avail themselves of this la preservation of all that is them in this world; that have not failed to submit t ministers a statement of : under which they labour, t pointment has been their o every such representation, now only to implore the be position of this House:’

“That in the petition fi of St. Christopher’s, the pe ‘that the distress to which reduced hath reached that when silence is impossible respectful representation to become the ultimate means vation, that the progres which this desolation has them, have from time to at the foot of the throne o monarch, and been made majesty’s government, and ference of this House can a the petitioners from the mo sure of the difficulties which

“That it appears to this one grievance amongst othe of in each of the foregoing the tribute or duty which is these islands of four hogshet out of every hundred hogsh sugar, with the same prop their rum, and all other p the islands, and that such tr being exacted exclusively ‘devoted’ islands (as they a

the petitioners from St. Christopher's) whilst all the other colonies, old as well as new, are free from it, is most partial and oppressive :

“ That it further appears to this House, that this partial and oppressive tribute from the sugar and rum of the leeward islands is converted, for the most part, into pensions for persons of the higher orders in the mother country, including even members of the royal family, ministers of the Crown, members of both Houses of Parliament, their families or connections, and that under the present deplorable condition of the Leeward islands, the further exaction of this tribute from them is a scandal upon the mother country, and an intolerable grievance upon these colonies, which this House, appealed to as it has been, is alike bound, in honour and justice, to see removed forthwith.”

Mr. Secretary *Canning* said, that the question consisted of two parts. The first affected the right of the Crown to this particular branch of revenue; the second, affected the right of the Crown to appropriate it in any manner which might be deemed suitable by his majesty's government. These topics had been frequently discussed within the walls of that House, and on each occasion both of these rights had been affirmed. He admitted, that the present state of the West-India islands was such as to make the House desirous of affording to that interest all practicable relief; yet it was also clear, that when the tenure of the fund was considered, no argument could be derived from the manner in which it was applied, as a ground for its abolition. With respect to the right of the Crown to dispose of this fund, it had never been denied, and when Mr. Burke introduced his measure of financial reform, he still left it at the disposal of the Crown. The hon. gentleman had specified instances of the manner in which this fund had been disposed of, and in which he supposed some indiscretion to have been practised. As to what had been stated with respect to his own connexion with the fund, he was ready to admit the fidelity of the hon. gentleman. It was true that, many years ago, he had held an office, on retiring from which, by constant and uniform practice, he became entitled to a pension of 1,200*l.* a year. It was true that he had retired from that office with the fullest claim to this pension. It was true

that he had declined ing to wave his part mute it for a pension to persons who had his protection [He membered, also, that, at the time, it was considered as a considerable part. Having said self, he had little to question. Certainly it was a matter of importance to the House of Commons to deliberate upon these matters in the discharge of its duty. The hon. gentleman had a manner of which I am not plain. He had good complexions of thought fit subjects for the House of Commons. The hon. gentleman knew that if he (Mr. Canning) could have taunted persons in the same manner connected with parliament by the hon. gentleman was too invidious a charge. The House had a right to suppose abuses as this and of any other branch of revenue. But he thought the hon. gentleman did not make out any case for bringing upon it a vote of the House.

Mr. *Hume* said, that the mode of supplying the deficiency was an innovation on the old practice, and ought to be a part of the duties of the House of Commons of late years. He had been made demands on that fund for the whole of the pension of the West-India-Islands taken from those islands. The reason why the colonies were freed from the tax is

Mr. *Brougham* said, that he had, in the reference to the names of the colonies, formed a painful duty upon himself bound to discharge out any invidiousness into execution. He was with which he (Mr. Canning) had said. The Four and a Half per Cent Duties had been formerly left upon them as well as another fund was directed to make up the deficiency. It was a strong argument for



ther good ground seemed to be the peculiar circumstances of the times. When the West-India Islands were in a flourishing condition, the case was different. But they were now overwhelmed with unexampled distress, and his hon. friend had called upon the House to take the subject up in virtue of their petitions. The question therefore was not taken up uncalled for. The petitions from the Islands complained of the burthens imposed by those duties which were at all times inconvenient and heavy, but which were now utterly unbearable, when the colonies were afflicted with the greatest calamity. From time to time, this subject had been pressed on their notice without success. Mr. Burke, in his History of the European Settlements in the West Indies, had denounced this tax as most burthensome. It was indeed a tax not upon income, but upon gross produce. It was not regulated by circumstances, or modified according to the pressure of the times. It was as high when the crop was bad, and when the nett gains were nothing, or even when there was an actual loss, as when the planter was in the most flourishing circumstances. Mr. Burke, by an extraordinary accident, had lived to receive himself a pension out of this very fund. He did not mention this as a bad instance of its application, for he thought that, if any political pension could be justified, it was that of a man who had lived all his life out of office, and whose exertions had been the means of a great saving to the country. He, however, after denouncing the tax, had certainly enjoyed a large pension out of it. The hon. and learned member then proceeded to state, that this tax had been attempted to be extended to the newly-ceded colonies. He cited the case of Hall and Campbell, in the King's Bench, by which it appeared that an effort was made to inflict the tax on Grenada, which was one of the newly-ceded colonies, and it was insisted on the part of the Island, that government had no right to tax them after having given them a constitution, without the consent of the constituted authorities under such a constitution. If any county of England, for instance Cornwall, the fertility of which was not remarkable, were surrounded by counties that paid no tithes, while that one was liable to the full payment of tithe, would it not be a monstrous and crying iniquity, that the county should be singled out to bear

pressure of so heavy a burthen? Yet this was the Islands whose case by his hon. friend, and whom he perfectly agreed in what had fallen upon him for Aberdeen, the application of the duty to the Admiralty, and entered into his motions on the question of the duties in the years 1810, on the first of which motion a concession was made by the minister, Mr. Perceval, that the duties of the Admiralty were in consequence of the compact with the late king at his accession to parliamentary control, liable to parliamentary inspection, and accordingly annual accounts were to be laid on the table as a matter of course since.

The House then divided on Crcevey's Motion, 57. A

**EXPENSE OF THE CORONATION.** The question being put, "That the House do now leave the chair,"

Mr. *Hume* said, he took the opportunity of calling the attention of the House to a transaction of a very extraordinary nature, and which drew his attention to the Expense of the Coronation. An estimate of the expense had been laid before the House by the then Chancellor of the Exchequer, who stated, that the amount would be 100,000*l.* but the account which was now in was upwards of 238,000*l.* estimate, then, a fair or a moderate one. Some of the items were disallowed to the highest degree, and the House was to vote a shilling until an estimate had been instituted. The House was to vote the estimate of the Chancellor of the Exchequer in 1820 as a good one, if it had been so extravagantly high, it would make the estimate appear as a mere farce, and certainly as long as the House were managed on that principle, it would be a mere farce. A ground of complaint was, that the estimate of 138,000*l.* was supplied by the French Indemnity Claims, and he should like to know what

ment had to apply a single penny to the

for the furnishing and decoration of Westminster Abbey and Westminster Hall. Why, any minister, however weak, must know that was a most extravagant charge. Then there was 24,700*l.* to the master of the robes, for a robe for his Majesty. If his Majesty had been clothed in gold, it was scarcely possible that such a sum could be expended. How could ministers reduce clerks with small establishments, and establish checks to minute details of expenditure, while they consented to so profuse an expenditure in one item alone? Then there was a charge for a diamond crown. He understood that that bauble had been got up by a jeweller in the year 1819, and that it had been kept on hire at an expense of 8,000*l.* or 9,000*l.* a year. Was it possible to conceive a greater waste of the public money? Then came 50,000*l.* to the surveyor-general of the works for sitting up Westminster Abbey and Hall. When the gaudy and tinsel-like manner in which they had been fitted up was remembered, it was evidently impossible that so much money could have been expended on them. A variety of items followed. One of them, although small in amount, might well have been spared. It was the sum of 3,000*l.* to sir George Naylor, towards making public the ceremonial. Now really the account of the ceremony might have been left to be handed down by the historian. To apply a sum of the public money to such a purpose was as wasteful as it was ostentatious. In the whole affair, his Majesty's government had acted with bad faith. They must perfectly well know, that, if they had originally proposed a grant of 238,000*l.* such a vote would never have been agreed to. Then came the consideration of the manner in which the 135,000*l.* that had not been voted, had been paid. In taking money for that purpose which had not been voted, the Chancellor of the Exchequer had violated a resolution of that House; for any appropriation of the public money by his Majesty's government without a previous Appropriation-bill, was, if not a misdemeanor, a high disrespect towards the House. He would therefore move as an amendment, That, as the amount of 238,000*l.* for the expense of his Majesty's

Coronation, as stated in an account lately presented to the House, so greatly exceeds 100,000*l.*, submitted to this House, it is expedient, before

granting any further sum, to appoint a committee to inquire into the circumstances occasioned that expenditure, and also to report to the House the sum of money applied to discharge the same without the sanction of this House."

The *Chancellor* said that the hon. gentleman surprised that the coronation had exceeded 1820, when it was estimated that the ceremony that year; and that expense had been incurred. When, however, his Majesty postponed the ceremony that year, that expense was clear, therefore, not cover the whole respect to the public as the hon. gentleman notice, he was not them. But, as to the expenses had been gentlemen was understood, hon. gentleman supposed been defrayed out of a contingency which had been French. Now, that been appropriated to the House. It was, therefore, competent to the Crown to the purposes of the

Mr. *Barnes* charged of the coronation expenditure of the public money.

Mr. *Curwen* said, he the amendment, as it any public money appropriated by the Crown

Mr. *Brougham* he would persevere in his any circumstances, a committee into the audit appropriation was injurious. With respect charges, some of the enormous. The country insulted by such an expenditure merely for a robe for

Mr. *Bright* proposed appropriation by the Crown of the public money sanction of that House

Mr. *Hobhouse* said

ment. Adverting to the enormous fees which, on the demise of the Crown, resulted from the formal re-appointment of individuals to places they already held, he trusted that a bill would speedily be brought in, to prevent such a practice in future.

The House divided: for the Amendment 65; against it 119.

## HOUSE OF COMMONS.

*Wednesday, June 11.*

**SILK MANUFACTURE BILL.]** Mr. Huskisson having moved the third reading of this Bill, the Lord Mayor moved as an amendment, "That the Bill be read a third time that day six months."

Mr. *W. Smith* said, he was satisfied that at no very distant period the fears of those who were now so much alarmed at the measure would turn out to be unfounded, and that, instead of injury, benefit would accrue to them from the alteration.

Mr. *Hudson Gurney* said, that he hoped this bill would not be hurried through the House, it being merely a repeal of local regulations, where the parties themselves, if mistaken in their supposition, would be the only sufferers by the law remaining as it stood. The fact, as far as he could learn, being, that under the present Spital-fields acts there was a committee of workmen who met a committee of the masters, and who settled the rate of wages between themselves—the magistrate merely signing it for form, and being the authorized mediator in case of differences. Something of the sort took place in all trades. Make what combination laws you may, the necessity of an understanding between parties will always abrogate them in practice; and where there was a committee of journeymen in communication with a committee of employers, power of mediation on contested points existing somewhere seemed no unreasonable provision, and one which, in the present instance, appeared to have given satisfaction to a large body of people, who felt that in repealing it, the House was taking from them protection.

Mr. *Ricardo* contended, of the existing law was, quantity of labour, and the rate of wages was high, there so little to do that their point

## *Silk Manufacture Bill*

under the proposed alteration. He could not bear to hear were legislating to the injury of the working classes. He would support of the measure, one moment that it had a tendency. The existing law was injurious to the workmen employers; because, at present the trade was brisk, it enabled the magistrates to interfere, and wages from rising as much as if the law imposed no such regulations of the trade. The decision of a number of cases decided by the magistrates, either by the workmen or masters, where counsel had been employed, and the masters had up the dispute rather than trouble and expense. He was perfectly satisfied the present bill should pass, and a much greater quantity of silk would be woven by the weavers in London than at present. With respect to workmen, he was persuaded, that, in all the branches of the manufacture, they were better off at the present moment than they were high in the country, and in those branches, as they

Mr. *Peter Moore* was of opinion that if this bill passed, it would enable the journeymen to seek protection.

Mr. *Bright* said, the working classes believed this measure to be injurious to their interest, and it was the bounden duty of the House to inquire into all the circumstances connected with it. The case of the silk trade in the House was a bad one, from advising the repeal of the laws, recommended an amendment. He deprecated most strongly the stipitation with which a measure was affecting the interests of the working classes, and necessarily have the effect of lowering their wages, was hurried through the House without inquiry.

Mr. *Hume* was satisfied that the measure would in its results be beneficial to the working classes.

Mr. *Ellice* trusted, that the gentleman was determined to support the third reading of the bill,

at the same time in the House of Commons, and in the House of Lords.





debts contracted and taxes imposed in a currency of infinitely lower value.

But, Sir, to proceed to another negative. I say, I do *not* contemplate the bringing back an unlimited paper currency. Far be from my mind such an intention: invariability of value is the primary, the essential quality to look to in the establishment of a circulating medium; and an unlimited paper currency can hardly fail to be eternally fluctuating. Then, Sir, I do *not* look to an *undefined* alteration of the standard which has been re-established by Peel's Bill, upon any arbitrary principle irrelevant to actual and past circumstances. I should hardly have thought it necessary to disclaim such intentions, did I not know that they are sometimes imputed to me. I should *not* object to the trial of the system proposed by the hon. member for Portarlington, in place of Peel's Bill; nor should I object to its ultimate adoption, provided the consequences should prove such as he said would result from it; I mean, principally, in respect to the value of gold, which he contended would not be enhanced beyond the amount, which at that time it bore, and which being the case, would have given an adequate money price to all commodities. The average of wheat in that year was above 70s., owing no doubt to the then lower value of gold, as well as paper; for, we must never dismiss from our minds the fact, that gold varies in its value, according to supply and demand, like any other commodity; and that though, in general, its variations have not been great, they may, by possibility, as we know from the history of past time, be very great, and have actually been of late very considerable; which I shall shew presently.

This leads me, Sir, to a positive statement of what I do think, ought to be the principle on which in 1819 a metallic currency could have been justly established, on which it ought to be fixed, even now. I will endeavour to explain myself as clearly as I can. First, I must assume, what indeed will hardly be denied, that considerable variations of value in our currency have taken place in the course of the last thirty years. The extent of these variations I know are very differently stated by different persons; but not their existence. It will be admitted that a diminution of value followed the issue of cash payments by the act of 1797; that such diminutions c-

increased during the war, and up to the time that Peel's bill, whilst metallic currency, gave which it possessed prior.

The injustice attenuation of a currency cannot be questioned injury that was done to the act of 1797 (the original difficulties, in regard to currency, be doubted; but, my position a period of twenty-two years of the old standard means be an act of justice. A new currency upon a necessarily ceases to be of the word, at some point one revived again is, to propose, new and productive effects. Is twenty-two years a period as shall suffice for a standard, as to make antecedent as mischief of a new one? This question; and I answer yes; and that justice require to abolish and perpetuate the standard which had been so long the same could be ascertained. I am further entitled to say on the ordinary occurrence in that term of years ever would alone amply provide for extraordinary events of the period. It is not merely twenty years shall terminate contracts and engagements prior to that time, that extensive shall have been the more recent measures the tremendous public debts contracted, the increase of the navy and all public offices that have been consequent on that period, more than a provision; nay, I cannot help to make them payable on the old standard, is an act quite irreconcilable with the notion of national faith or justice. Injury and supposed reparation to creditors and annuitants prior to almost every previous date must have expired; even if the debt is settled; and how

shareholders, the  
 [illegible]  
 [illegible]

to invest in land, trade, or manufactures; each and every one of whom would receive a second and far more violent injury, by the resumption of the old standard. The injustice done to those comparatively few who kept their ancient stock is the eternal theme of lamentation by the advocates of Peel's bill, whilst the more numerous and doubly-injured are wholly put aside. The injury to all creditors done by the Restriction act of 1797, cannot be sufficiently regretted; but, indemnification to the sufferers after a lapse of two and twenty years was impossible. There have been great gainers by Peel's bill and the resumption of the old standard, numerous and dreadful sacrifices, but no retributive justice. I fully admit, and indeed strongly feel the difficulties respecting the currency at that time; and that we had only a choice of alternatives, each in a degree objectionable. but I contend, that the course adopted was the most fatal that could be chosen, and that the most obviously just would have been to *establish the metallic currency as near the average value as possible of the paper currency which had lasted twenty-two years*, and which might have been easily ascertained; that paramount and real standard of value, as Mr. Horner called it, namely, Bread Corn, presented one efficient test, which, accompanied by other considerations, would have fairly accomplished this object; but the truth is, the House was wholly ignorant of the effect of its own proceedings. The hon. member for Portarlington told them the bill would make only 3 or 4 per cent difference in the value of the currency; and they unfortunately confided in this statement. They had not the least idea of the change in the money-price of commodities which was to result from this measure. Had they known what they were about, Peel's bill never could have passed.

The abundance of money, currency, or circulating medium (as differently and occasionally designated), and its consequent depreciation or diminution of value, certainly began soon after the commencement of the war in 1793; and the great amount of paper issues by the Bank, mainly contributed to produce the Restriction act of 1797. A material diminution of the value of our aggregate currency took place (I am composed of coin, and paper notes) — before the

difference in value of the guinea appeared depreciation afterwards increased; and the gold in value with the paper forcibly united. The reality of paper as a currency superseded all demand for gold here, and, in consequence, on the continent, as well as its value. So that to measure the value of gold by the price of gold value, was an egregious error, marvellous to reflect on the part of the hon. member in so doing, through Peel's bill, to the standing we find him observe, that "it is difficult to determine the value of gold on the value of the purchases of bullion. When two commodities are liable to be certain whether or the other fallen. It is of even approximation of this fact, but by a comparison of the value of the two commodities, with their variation, with other commodities." I say, that, with the arguments the hon. member should never advert to that had taken place and other commodities deciding the fluctuation of gold singly or relatively.

I have invariably only means of estimating the value of the currency are, by the value of prime and general commodities in this country, more especially. I have been often gratified herein on former occasions by the hon. member and Liverpool. They contemplated a currency of value every successive price of corn, which but whoever has looked at all, knows that corn value, upon a long period less steady or more fluctuating to year, than the price

---

\* Ricardo on protection. A. D. 1822, p. 30.

haps any other commodity. It is unnecessary to quote the authority of ancient writers, because all admit the fact; and we know, that Corn Rents have their origin in the rapid diminution of the value of the precious metals, and consequent advance in the price of corn, occasioned by the discovery of other mines in the reign of Elizabeth.\* In modern times, and amongst modern statesmen, I refer to Mr. Horner, because so much stress has been laid by some persons upon his authority, and because he was the most prominent character of the Bullionists. Mr. Horner said, that Bread Corn was the paramount and real standard of all value, and an advance or fall in moneyed price must be a fall or an advance in the value of money; that the price of wheat from 1773 to 1785 was, on an average, 46s. per quarter; from 1786 to 1797, 52s. per quarter; and from 1797 to 1808, 79s. per quarter; and that no facts could possibly be required more strongly and indubitably to prove the incontestable depreciation of the currency.†

Well, then, without going further, I say I may be entitled to consider it as an axiom undisputed, that the price of Bread Corn, taken upon a long period, affords the best criterion of the value of money; and after an abandonment of any fixed standard by the act of 1797, it is quite incomprehensible that our wise men should never have adverted to that paramount standard as a guide to tell us what we were about when Peel's bill was before the House.

Now, let us examine further what the price of wheat has been, upon long averages of years, prior to the restriction; and from thence to Peel's bill, in 1819, and since, making three periods. Let us see, I say, how much wheat could be had in exchange for an ounce of gold, or how much gold for any given quantity of wheat, which is the same thing; for we purchase gold with wheat as much as we

purchase wheat with gold. Now, Sir, if we look to the prices of wheat, first, for one hundred and fifty years prior to the commencement of the war, to 1792 inclusive, we shall find the average, if taken of each ten years, from 32s. to 51s., the general average above 40s. and not higher the last ten than the first; but after that period, and particularly after the year 1797, the advance became rapid, and in truth the average of the following twenty years was actually double that of any former.\* From 1692 to 1792, an ounce of gold of the value of 3*l.* 17*s.* 10½*d.* would command about fifteen bushels of wheat; from 1792 to 1797, it would command only ten bushels [In this period, prior to the Suspension act, a scarcity occurred that forwarded the advance]; from 1797 to 1802, only seven bushels and three pecks; from 1802 to 1807, it would command eight bushels; from 1807 to 1812, six bushels and three pecks; from 1812 to 1817, seven bushels and about two pecks; and subsequently the case reversed, till at this moment we have got back to the measure of the 150 years prior to the war. Other causes, I know, are alleged, particularly the different effects of war and peace, for this advance and subsequent fall in the price of corn; but how can this opinion be maintained, when we know the two last wars occasioned *no advance whatever* in the prices of bread, meat, and labour, &c.; which I proved on my motion last year, by refer-

\* Eton College Table of the price of wheat. Average of every ten years, from 1646 to

	s.	d.
1655 .....	51	7
65 .....	50	5
75 .....	40	11
85 .....	41	4
95 ..	39	6
1705 .....	42	11
15 .....	44	11
25 .....	35	4
35 .....	35	2
1745 .....	32	1
55 .....	33	2
65 .....	39	2
75 .....	51	3
85 .....	47	8
93*.....	51	0
1803 .....	80	1
13 .....	100	0

\* War began from this date.—Bank Restriction passed in 1797.

\* Prices of Wheat. (From Smith's Wealth of Nations, vol. 1.)

Years.	l.	s.	d.
1423 to 1451 .....	0	10	7
1453 to 1497 .....	0	8	5
1459 to 1560 .....	0	9	2
1561 to 1601 .....	2	7	5
1595 to 1636 .....	2	10	0
1637 to 1700 .....	2	11	3

† Debate on the report of the Bullion Committee, May 6, 1811.

grows, which it takes to pay it. The farmer must reflect how many quarters of wheat, for instance, he was obliged to sell two years ago to pay his rates, and he will find it requires nearly double now, though the nominal amount was higher. I do not believe even that the working manufacturer is better off now than he was when wheat was at that high money-price.

Now, Sir, the grand consideration which I wish to press upon the minds of hon. members is, the unjust and destructive consequences of such a diminution of the money-earnings of industry, with a continuance of the same money-burthens which were laid on the people, or individually contracted in the money of abundance and of lower value. The aggregate money-earnings of the entire community, in other words, the national money income, is by so much diminished as the aggregate quantity of the circulating medium or money is diminished, whether metallic or paper, and its value enhanced. It is obvious and indisputable, that the weight of the public burthens depend wholly upon the amount of the national income. It is entirely relative. Sixty millions would be little to pay out of six hundred: it would be excessive to pay out of one hundred. I will not pretend to make any estimate of the defalcation in the aggregate money income of the country produced by Peel's Bill; it will be equally illustrative to show the effect upon the first branch of national industry; viz. agriculture, where estimates are somewhat more easy. Perfect accuracy is impossible; but I pledge myself to the moderation of my statement in round numbers. It is, indeed, so simple, that it admits of no deception. I take the rental of the kingdom, calculated on the property-tax at 50 millions. I suppose the gross produce of the land to be four times the rent, three times used to be thought enough; now it cannot be less on the average than four; in some instances I know it is five. Then, taking it at four, the gross income from the land is 200 millions, distributed between landlord, tenant, tithe-owner, tradesman, and labourer. Then I suppose the money-price of the produce to be, by the alteration of the currency, reduced 30 per cent, or 25 per cent. That wheat say from 80s. to 60s. in proportion, and the entire rental of the

kingdom (50 millions entire rent, is subtracted from the national income to be drawn, is the per annum. It appears nearer the amount then; but when I reduce, the House I am much below to imagine any man will as the effect of Peel to be nearer 50. I at 25 per cent. The notion, that what others gain. But I lose, because others have not the same the market with. diminution of quantity money-income of the burthens to be consequently fall so not say, that all reduction in an act their former wealth total of the money-income has fallen. There is such a performance of nations. Nothing ages and countries, value of the current and thus *lighten* the plan which loses not frequency of its *crease* enormously the frequency in a country to egregiously stupid it can only have perfect blindness, and action on the part of who urged the measure.

Now, I put it to you to mine whether, upon the evident and total deflection upon these when Peel's bill was indispensable duty to date inquiry into the reduced? I ask, what which took place alteration in the value was contemplated by porters of the bill, by five per cent at most one word was said, or relative to its influence debt and taxes? I posed that twenty was ever in the 11



The act is not that which was intended. The House intending one thing has done another. And I ask, whether that circumstance does not afford irresistible ground upon which to establish the necessity of acceding to the motion?

But, Sir, there is another most important question to be considered; and that is, the practicability of maintaining the currency we have adopted in the various changes in our situation that may occur relatively to other countries. Has the subject been ever considered under the supposition of Europe being again involved in war? I believe that the first shot that is fired will be the signal for a second recurrence to the Restriction currency. I am thoroughly convinced it is utterly impossible we can sustain a war expenditure, at all approaching even the last, in this currency of Peel's bill. I have, on several occasions made a variety of calculations upon the value of the currency now and during the war, showing, I think most indisputably, that the *real* burthen of the present peace expenditure is equal to that we endured during the war. But, Sir, I shall now refer to a publication of great celebrity,\* where a similar comparison gives the same result. The author justly observes, that to estimate the actual pressure of taxation, the augmentation of the value of the currency

must be carefully examined out doing so men's minds by the sound of figures. I proceed to state the amount of the most expensive period of the three years, 1810, and 1813, 1814, 1815. The depreciation of the currency during that period was 21½ per cent, the average nominal amount was in the former 74 millions the latter; but their *real* value was 58½ million and 60½ millions respectively; and therefore, the taxes to be sixty million paying in one case half as much as the other, one million as much as we did during the years of the last war. It serves the author, "can we estimate the effects of the payments than this state had the effect of augmenting the pressure of the taxes to a greater extent than the removal of the taxes since, has relieved

This effect is here more far as it goes, but falls short of absolute pressure; because the currency operates, as explained, to so vast an extent that the money-income of the country is less than these taxes are to be paid

\* See Edinburgh Review, No. 72, p. 411; in which will be found a  
*TABLE of the CURRENCY in which TAXES were paid, in twelve Years:*

Years.	Average Market Price of Gold per oz.	Difference per cent between Market and Mint Prices,	Nominal Amount of Taxes.
	£. s. d.		
1809.....	4 10 9	16⅓	71,887,000
1810.....	4 5 0	9⅓	74,815,000
1811.....	4 17 1	24⅓	73,621,000
1812.....	5 1 4	30	73,707,000
Sept. to Dec. 1812 .....	5 8 0	38⅓	—
1813.....	5 6 2	36⅓	81,745,000
Nov. 1812, to Mar. 1813	5 10 0	41	—
1814.....	5 1 8	30⅓	83,726,000
1815 .....	4 12 9	18⅓	88,394,000
1816.....	4 0 0	2⅓	73,909,000
Oct. to Dec. 1816 .....	3 18 6	under 1	—
1817.....	4 0 0	2⅓	58,757,000
1818.....	4 1 5	5	59,391,000
1819 (to Feb.) ...	4 3 0	6⅓	58,288,000
1820.....	3 17 10½	0	59,812,000
1821.....	3 17 10½	0	61,000,000

Now, Sir, I shall occupy no longer the time of the House. I will once more only remind the House of one or two points of the greatest moment for their consideration. First, that it is the paramount duty of parliament to grant with extreme jealousy, the imposition of any taxes upon the people; sedulously to guard the public purse; and that any mode by which the public burthens may be augmented, without this House perceiving the effect in the first instance, should naturally excite the strongest suspicions, and call forth our most diligent and attentive investigation. Can it possibly be denied, that Peel's Bill has augmented the burthens upon the people far beyond any calculation or contemplation at the time? And if such is the case, will any hon. member say, that we ought not to inquire into what it is we really have done? What a perfect mockery are we guilty of, in the parade of regulation respecting money bills, if such a case as this is to pass unnoticed, and not only unnoticed, but, if we wilfully turn our backs upon it! Nobody denies the depreciation during the suspension. Nobody denies the restoration of value. Does not the hon. member for Portarlington himself admit, that the difference exceeds his original statement to a considerable amount, and consequently that we have augmented the public burthen beyond our contemplation or intention; that we have, in fact, enacted, through ignorance or inadvertence, that which we did not intend?—Upon the whole, Sir, I feel the strongest conviction upon my mind; that our duty demands of us irresistibly that we shall institute the inquiry I call for; and I therefore, Sir, move,

“That a Committee be appointed to take into consideration the changes that have been made in the value of the Currency between the year 1793 and the present time, and the consequences produced thereby upon the Money-income of the country derived from its industry; the amount of the Public Debt and Taxes considered relatively to the Money-income of the country; and the effect of such changes of the Currency upon the Money-contracts between individuals.”

Mr. *Ricardo*\* observed, that the hon. member for Essex, and all those who took

his view of the sound principles, but conclusions which were No one doubted, that the quantity of money increased, commerce maintaining the same, it was one questioned, that depreciated to a metal increased value must reducing its quantity the price of all commodities in the market. These were had himself on various occasions but the difference between the hon. member for Essex and the degree in which the value had been increased, which prices generally diminished by the bill (the Bill) of 1819. It was evils which resulted from the want of any fixed standard, his best support to the measure sought was, to guard against the severe mischief of a fluctuating currency; fluctuating the variations in the value of itself, from which no one was exempted, but fluctuating at the caprice or interest of the merchants, who, before that bill, had the power to diminish the amount of the currency, and consequently to alter the value of the money as they thought proper. the immense power which was to 1819, possessed—was believed that body had exercised fairly, but was always judiciously exercised might have been so useful as to come formidable to the country—it was from a want of the extent of the Bank, that he had regretted the prospect of a fixed standard had cared little, compared with the standard establishment continued at its then value to the old standard: his was a fixed standard of so much value as the other. In the discussion certainly had said, that the depreciation of the value of the difference of value between gold and silver; and he held to the fact that He maintained now, that the establishment of a currency could only be done on a reference to the principles of sound

\* This Speech was written out by Mr. Ricardo for this Work, and sent to the Editor a few days before his death.

was, to gold; but he did not say, that the standard itself was not variable. The hon. gentleman, and those who supported his opinions, were always confounding the terms "depreciation," and "value." A currency might be depreciated, without falling in value; it might fall in value, without being depreciated, because depreciation is estimated only by reference to a standard. He had undoubtedly given an opinion in 1819, that, by the measure then proposed, the prices of commodities would not be altered more than 5 per cent; but, let it be explained under what circumstances that opinion had been given. The difference in 1819, between paper and gold, was 5 per cent, and the paper being brought, by the bill of 1819, up to the gold standard, he had considered that, as the value of the currency was only altered 5 per cent, there could be no greater variation than 5 per cent, in the result as to prices. But this calculation had always been subject to a supposition, that no change was to take place in the value of gold. Mr. Peel's bill, as originally constituted, led the way to no such change. That bill did not require the Bank to provide itself with any additional stock of gold till 1823. It was not a bill demanding that coin should be thrown into circulation, till after the expiration of four years and a half; and before that period, if the system worked well, of which there could be no doubt, parliament could, and in all probability would, have deferred coin payments to a considerably later time. It was a bill by which, if they had followed it strictly, the Bank would have been enabled to carry on the currency of the country in paper, without using an ounce more of gold than was then in their possession.

Gentlemen forgot that, by that bill, the Bank was prohibited from paying their notes in specie, and were required only to pay them in ingots on demand; ingots which nobody wanted, for no one could use them beneficially. The charge against him was, that he had not foreseen the alteration in the value of the standard, to which, by the bill, the paper money was required to conform. No doubt, gold had altered in value; and why? Why, because the Bank, from the moment of the passing of the bill in 1819, set their faces against the due execution of it. Instead of doing nothing, they carried their ingots, which the public might have demanded of them, to the Mint, to be

coined into specie. which not demand of them, could not pay if it did. taining an amount of pa- culation, which should be at par, they so limited t cause an unprecedentede precious metals, which bought and coined into r measures they occasioned gold, which was, in no consequent upon the bill raising the value of gold market of the world, the value of the standard w which our currency had in a manner which had no upon.

This, then, was the (Mr. Ricardo) had been had not foreseen these u as he must add, mischief the Bank. Fully allowing the effect thus produced gold, it remained to co effect really had been. ' for Essex estimated it at (Mr. Ricardo) calculated cent; and he was then to admit, that Mr. Peel the value of the currency increasing the value of it had become necessary value of paper 10 per 5 per cent, to make it co hanced value of gold. ' the effect of this demand had upon its value in the of the world, he contended compare the quantity ac with the whole quantity different currencies of the was satisfied that, on such calculation, 5 per cent w be an ample allowance such purchases. But th for Essex had said not. He merely came down to said, "My proof that the alteration of 30 per cent money is, that there is a amount in the price of various other commodities tion, under every circumstance price of commodities might without the trouble of increase to the value of gold. ment were good for any thing good for all times; and with any variations in the value

ties: the variations in price, which had often occurred, were to be attributed to no other cause but to the alteration in the value of money.

But, suppose the calculation of the hon. member to be correct, and that all the alteration which had taken place in the price of corn had been owing to the alteration in the value of money, he (Mr. Ricardo) should ask him, whether, even in that case, the agricultural interest had suffered any injustice? It was not pretended, that money was now of a higher value than it was previous to the Bank Restriction bill, nor corn at a lower price. The favourite argument was, that they, the landed interest, had to pay the interest of the debt in a medium of a different value from that in which it had been contracted, and therefore, that they actually pay 30 per cent more than they would have paid, if money had never altered in value. He (Mr. Ricardo) had once before endeavoured to show the fallacy of this argument, and had attempted to prove, that the payers of taxes actually paid no more now, than they would have paid, if we had had the wisdom never to depart from the sound principles of currency; and that the stock-holders, taking them as a class, receive no more than what is justly due to them. The hon. member would lead the House to believe, that the whole of our immense debt was contracted in a depreciated currency; but the fact was, that nearly *five hundred millions* of that debt was contracted before the currency had suffered any depreciation; and the rest of the debt had been contracted in currency depreciated in various degrees. Mr. Mushett had been at the trouble of making very minute calculations on this subject, and had proved, that the loss to the stock-holders, from receiving their dividends in a depreciated currency for twenty years, on the stock contracted for in a sound currency, would amount to a sum sufficiently large to buy a perpetual annuity, equal to the additional value of the dividends paid on the *three hundred millions* of debt contracted for in the depreciated currency. He should be glad to hear an answer given to this statement. For his own part, it did appear to him, that the success of the present motion would not benefit the landed interest a jot: because the motion asked for an examination as to the changes from the year 1793 to the present moment; and, as it must be admitted, that the landed in-

terest had derived from the depreciation between 1793 and 1819, the present motion would make due allowance for the benefits they had acquired, and would take from them no more than that which they had gained by the subsequent change.

The hon. member said the currency had altered in value; but his chief objection was the altered price of corn. The great error part of this was the change in the abundance of the supply to agriculture had been owing to war, and we were now in a re-action, operating against the effect of two or three years of war. Could the agricultural interest be benefited by an alteration in the value of money without its affecting, in the same manner, the manufacturing interest? The interests of the country would suffer 30 per cent from an alteration of money, must not all the taxes fall in something like the same proportion? But, had they the manufacturing interest benefited? Quite the contrary. The manufacturing interest was flourishing, but agriculture was languishing; the probate duty, the duty on stamps, were all increased, and certainly, if a raise in the value of money had lessened the value of the revenue, it might be expected to be made up upon transfers of property. The revenue was to him not a satisfactory proof, if wanting, of the error of the motion of the hon. gentleman.

The hon. member said if any man would say that the present system of currency could bear the expense of a war, would any man say now that it could pay, as it did in 1793, eighty-four millions per annum? This question was not a fair one, because, as the hon. member said, that our currency was now 30 per cent higher, he ought to say, could we now afford to pay an annuity for a war, as we did in 1793, of 84 millions formerly? He would answer, that the country was now able to pay just as much as it was under the existing system, as the hon. member found fault with the recommendation; for he thought that the value of her cur-



no effect at all upon the powers of a country. An unrestricted paper currency created a new distribution of property. It transferred wealth from the pockets of one man to whom it really belonged, to the pockets of another who was in no way entitled to it; but it imparted no strength to a country.

Agreeing as he did most sincerely, with almost all the opinions of his right hon. friend, the president of the Board of Trade (Mr. Huskisson) on this subject, he still considered, that his right hon. friend had given too much currency to the opinion, that an unrestricted paper issue enabled us to meet with increased strength the public enemy. It was not useful to war—it was most injurious in peace—and could not again be put under control, without the grossest injustice to a great portion of the community. We had happily recovered from those effects; and he sincerely trusted, that the country would never again be subjected to a similar calamity.

It was singular, that the objection against the restoration of our currency from a depreciation of 5 per cent in a period of four years, should have come from the hon. member for Essex, who, in 1811, saw no danger in restoring it from its depreciated state of 15 per cent in a single day. The House might recollect that, in 1811, a bill had been brought in, to make paper money equivalent to a legal tender, in consequence of lord King having, most justly, demanded the payment of his rents in the coin of the realm, according to the value of the currency at the time the leases were granted. Suppose that bill had been thrown out, agreeably to the views of the hon. gentleman, who in a speech strenuously opposed the bill, and that the law had taken its course, and that creditors had been defended, in demanding their payments in coin—what would have been the result in that case? Would not the ounce of gold have fallen the very next day from 4*l.* 10*s.* to 3*l.* 17*s.* 10½*d.*? Would there have been no inconvenience in an enhancement in the value of the currency to that amount? or was the hon. gentleman prepared to say, that a rise in the value of paper of 15 per cent in one day, in 1811, would have been harmless, but that it would be ruinous to raise it to the amount of 5 per cent only, in a period of four years? 1819?

The hon. member for Essex dealt quite fairly with him (Mr. J.

in a pamphlet which I published. In speaking of the bill, he acquitted his mind of any intention of plunging into the difficulties which the bill had caused: he paid tribute to their integrity, by supplanting: but not so to him. Without naming him, he alluded to him and his object, that no one could mistake his meant, and said, that to the utmost extent of charity in the advice he had given, influenced by interested motives the hon. gentleman would hardly have manly part, if he had expressed his charge, and omitted his name. He (Mr. Ricardo) pretend to be more exacting in weaknesses and errors than other men, but he would not in the House and the hon. member would say that it would puzzle a man to make out on which side predominated. He (Mr. Ricardo) made it difficult himself, from the want of property which he possessed (funded property), to detect a fallacy. But, by whom was the charity found so difficult? By the hon. gentleman, whose interest could not, for one moment, be sacrificed to whose whole property consisted in the bill and who would greatly measure which should lose the most money. He imputed the fault to the hon. gentleman. He would perform his duty as a member, even when it was against his interest; but he asked the House to state, on what grounds he (Mr. Ricardo) should be wanted.

I beg particularly Ricardo) to call the a House, to the opinions given on the cause of culties, and which the h Essex now reprobates; for every one of those appeal to an authority gentleman will be the la for it is to his own. I c present low price of corn to an excess of supply, alteration in the value. o

1. the hot gel

"The first and obvious cause, I say, has been a redundant supply beyond the demand, and that created chiefly by the produce of our own agriculture. Permit me, Sir, here to call to the recollection of the House the effect of a small surplus or deficit of supply above or below the demand of the market. It is perfectly well known, that if there is a small deficiency of supply, the price will rise in a ratio far beyond any proportion of such deficiency: the effect, indeed, is almost incalculable. So likewise on a surplus of supply beyond demand, the price will fall in a ratio exceeding almost tenfold the amount of such surplus. Corn being an article of prime necessity, is peculiarly liable to such variations: upon a deficit of supply the price is further advanced by alarm; and upon a surplus, it is further diminished by the difficulty the growers have in contracting the amount of their growth, compared to the means which other manufacturers have of limiting the amount of their manufacture."

Now, I would ask the House in what these sentiments differ from those which I have had the honour of supporting in this House, and which the hon. gentleman now thinks so reprehensible? But further, the hon. gentleman contended, in the speech alluded to, that the diminution which at that time had taken place in the amount of the circulating medium was not in any way the cause of the fall in the price of corn, but on the contrary it was the fall in the price of corn which was the cause of the diminution of the quantity of the circulating medium—"I say" (continued he) "there is nothing which will prevent it" (corn) "so falling, nor are there any means to force a re-issue of this paper currency which has thus vanished in a moment: nothing but a revival of the value on which it was founded can accomplish the object."

On this point, I rather agree with the hon. gentleman's present opinions, than with his former ones, that there are means of forcing a re-issue of paper, and of raising the price of corn; but I trust that we shall not have recourse to them. The hon. gentleman proceeds to say—"Now, Sir, let us turn from the contemplation of this gloomy picture, and consider what prospect there is of remedy, or what means have of affording relief. If I

am right in attributing all these cash surpluses in the market to the remedy of that surplus; or, at least, in a short time by a danger is, the supply should be increasing deficiency. I goes on to say, any length of time to be below a that it is possible abundant as to advantage to the opinions which on this subject various times, ability, attempts. If he had learned member, it was at the moment member should him for comfort.

The hon. gentleman advert on the subject set forth by the recently published one, in which to up the balance stock-holder by measures affect omitted to set the various sum him in discharging fund in the which, amount hundred millions by the stockholder in a depreciated the payments as it was not fair calculate on the but on the difference and payments. stated the question all the advance in depreciated payments from the holder had been value. Nothing formable to the payments were and, as far as they were equally is. After going into objections which the same pamphlet to justify the course before the

of the present work,

which had been made upon them, in another pamphlet, by the hon. member for Callington (Mr. Attwood). He concluded by objecting to the motion. It was too late to make any alteration in the currency. The difficulties of the measure of 1819 were now got over. The people were reconciled to it. Agriculture, he believed, would soon be in the same flourishing condition as the other interests of the country. If it were not, it would only be on account of the mischievous corn law, which would always be a bar to its prosperity. As a punishment to the hon. gentleman, he could almost wish that a committee should be granted. He would, of course, be chairman of it; and tired enough he would be of his office, by the time he had "adjusted" all the interests relative to his new modus! He could not tell how the hon. gentleman would go about the performance of such a labour; but this he would say, that the immediate result of granting such a committee would be, to produce the most mischievous effects, and to renew all the inconveniences which had been previously occasioned by the uncertainty and fluctuations of the currency.

The Marquis of Titchfield said, that as he had seconded the motion, he was anxious to take an early opportunity of explaining the views and justifying the objects with which he should go into such a committee as his hon. friend, the member for Essex, desired to have appointed. But though, on many accounts, he was eager to express his opinions on this subject, that eagerness was nevertheless somewhat damped by the consciousness that he must appear under many disadvantages, and principally on account of the contrast that would be drawn, so much to his prejudice, between himself and the mover, who, from his experience, abilities, and long study of the subject he had introduced, was entitled to possess so much weight with the House and with the country. The cause which his hon. friend had undertaken, and with so much honour to himself had supported, although it belonged undoubtedly to all the productive classes of the country, was still more emphatically at that period the cause of that great body of men, who were till lately considered, and even still had the name of it, as the most powerful portion of the community, but whose influence had, within a year or two, declined in so marked a manner—he meant the landed

proprietors of the kingdom ever much it might be that he would rather call it to consider this question a uninteresting and speculative only for the researches of economists, yet he felt any man could not go through an examination of it, without a decision that the real substantial motion was not less than, part of the present possessions should remain upon their property diminished by that influence of property which had been the property of families through so many generations that they were to be shortly estates, with no better proof of an obscure and a petty meanest villages of the country not so much sold as such hereditary seats into the country which, if the hon. member was right, will have been unjust to their expense, by the unnecessary operation of the late currency. It was neither his business nor his intention to go into details of the subject, and of course, he did not mean to go through the whole chain of argument which would be necessary to show that the member for Essex was right in his conclusions to which he had arrived. The House would bear in mind that the present motion was for a committee to inquire; and if upon most accounts it were more properly a preliminary stage, and superfluous at an earlier period, such as the present more strikingly the case as it was one of the great and intricacy that had attracted the attention of parliament it would be impossible to go into the subject in all its details. In the course of a speech, it was more than enough for him to reflect, that, in the consideration of it, fairly considered, the question were to be compared with a very great compass, and very honestly canvassed, without going upon minutiae, and without bringing all into nice and abstruse

In the course of what he should take the liberty of stating some of the arguments, or objections, of the hon. member for Essex (Mr. Ricardo), and of dis-

assumption, if he should express dissent from the authority with very considerable freedom. To some of the arguments of the hon. gentleman he would attempt an answer, in the order in which they naturally came; but to what had been said in the way of insinuation against his hon. friend, he would answer at once, that the object of the motion was not, by any means, to favour the class more immediately interested in it, at the expense of the rest of the community; but it was to do justice—simple justice—to that class, and by that very circumstance it would be conferring a benefit upon all the other classes at the same time. He should have been disposed to say much upon this point, if the hon. member for Essex had not made it so clear; for, conscious of the most honorable intentions, but conscious also that a selfish jealousy had been unjustly imputed to the landed interest, and unworthy motives falsely ascribed to its advocates, that hon. member had most properly placed very forward in his speech an indignant denial of the calumny.

The case he had to make out really appeared to him so plain, and the justice of it so urgent, that if he had no means of guessing what was the disposition of the House respecting it, he should have been of opinion that it would be simply necessary to state one or two facts, which undoubtedly no man could deny—that the subject of the currency was one of much doubt and difficulty—that the distress of the greatest interest in the country was beyond parallel urgent—and that a very strong and general impression prevailed, that a great part at least of the cruel suffering of which the landholders complained, arose from the Cash-payment bill of 1819, which it was the object of the motion before the House to alter and modify. In all other cases, those simple facts, in a House of Commons not blindly obedient to the will of the minister, would be sufficient to ensure to his hon. friend his committee; but when in addition to those facts, it was competent for any one who had looked with any care into the subject to adduce reasons of the great weight they must be admitted to possess, even by those who were most zealously employed in controverting and counteracting them, for supposing the moral impressions upon the public mind, the parliament, we decline the unnot being neglecting to

employ one of its greatest most critical moment, as getting those duties of an exercise would be most authors of the neglect, to those suffering parties, so loud, and whose claiming for relief.

For all who might feel doubtful of being able to of this intricate nature, said there was a most encouraging consolation in it that, whatever doctrines or whatever predictions one and whatever surprise and one's sentiments might be possible for any novice to as to the result, than some were considered among distinguished authorities living, connected with the study nomy. He was very making this remark in the lity to, or disparagement to whom he was alluding simply to shew how little had, of whatever consequence knowledge and abilities, the questions of this description individual opinion, and he as well as indecorous it a great and delicate matter so divided and agitated it for such an assembly to be the dictum of a theorist; it sible to justify our refusal to those large means which ment of a committee press this subject to the bottom lecting and bringing up all possible information, a conflicting opinion, of small question to rest, and of public mind. But, while self with the reflexion, it has confounded to so great of the most eminent of it and that any person of all and narrow information could be so great as very severe familiarities, the other hand, a most circumstance in this—that people so uninformed as those discussing them, unless on the platform and marks, there understood by or readers; was,



advancing axioms and evident truths, there was a danger of being ridiculed by others for occupying them with truisms. This latter danger, however, he should make bold to defy, sheltering himself under the fact, that notwithstanding all the discussion this subject had undergone, it might still be heard any day in society, from persons otherwise intelligent, that in their opinion to talk of the depreciation of the currency must be nonsense, for that they were unable to comprehend how a pound-note at one time could differ from a pound-note at another—that a pound-note must be a pound-note always,—that it was impossible the same piece of paper, with the same characters marked upon it, should be more valuable at one time than at another—and when above all, the famous resolution of 1811 was recollected, he thought it would be perfectly excusable for him, even in that assembly, said to be so enlightened, to set out with the mathematical axiom, that “a part is less than the whole,”—an axiom which, now that the late chancellor of the Exchequer was no longer among them, he apprehended no one would be found hardy enough to dispute. In mentioning the name of that extraordinary person, the noble lord said, he much lamented his inability to do justice to the merits of so great a master of reasoning and eloquence, who so confounded the philosophers of 1811, by unfolding to his admiring audience, that the old favourite axiom of Euclid was nothing but a popular delusion; that in reality a part might be easily equal to the whole; and that therefore there was no reason for doubting, that the pound-note which required the assistance of eight shillings to procure a guinea, was equal to the pound-note which required the assistance of but a single shilling of precisely the same value with those of which eight had become necessary. That great man, for his singular merits, he supposed, or perhaps for their unworthiness of him, had been taken from them and bestowed upon another assembly, which, not having had the same practice in finance, it was to be hoped he would long continue to enlighten. [A laugh!] He could not, however, be said to have finished his course prematurely; for, twelve years before, he had obtained an imperishable name, by placing triumphantly on the Journals of the House of Commons, that astonishing resolution, which had deprived Euclid of his ancient

and long acknowledged most anxious to disclaim towards the late chancellor. Indeed, it was to be under any such impression not shrink from conflictual point of view, his name pronounced, it himself, without like bitter animosity derided that minister as part, of the calamities interest of the country believed that few parministration of that from much and well—all the other measures were trifling in the compared with that fatal ministerial influence in the House of Commons which were now helpless which would so long well as the administration whom it originated. resolution might be done justice, in a very few was, to blind the public; thereby both preventing the suffering guarding against it. lic, in the middle of increasing depreciation existed. I went on fearlessly and which of course increased by increasing the cultivation of poor soil pensive improvement that the additional receiving were additional landholder, never such dealings were virtually borrowed fearlessly, than he could have expected would have staggered he had had a suspicion at thirty-nine shillings he was receiving a hundred took for granted, he late upon bad times lower than perhaps shillings; and thus he was induced to borrow he had now no chance ruin. That ever-memorable Commons told him was false, or ought to have a pound-note was of full

in reality depreciated 30 per cent. He borrowed the pound-notes worth thirteen shillings, and he was called upon to repay pound-notes worth twenty. The proprietor dying in 1810, 11, 12, 13 or 14, might have left his property to his eldest son, with an obligation to pay half of it in mortgages, and provisions for younger children, and after those were discharged the heir might still be in possession of perhaps a magnificent income. A fall of prices, from natural causes, of which of course he would have no right to complain, reduced his income 25 per cent: but that did not affect him seriously, as the articles he consumed fell also, and although his income was trenched upon by the fixed money-payments, he was still able to maintain his station in society. But then, in addition to this natural fall, came the artificial one, from the contraction of the currency, to the amount of 25 per cent, which added to the 25 per cent reduction of the same amount, which was independent of the currency, brought the whole reduction to 50 per cent, and so left the proprietor to pay a pound to annuitants where, literally speaking, he did not receive a farthing. To supply this deficiency, he was obliged then to allot what had before appeared to him his own nett income, which however, in this new state of things, barely sufficed to meet the demands upon the estate, and consequently the unhappy owner was at one stroke reduced to beggary and dependance upon the charity of the younger branches of his family. That was very far from being a case of mere fancy. It was to be met with, in a greater or less extent, in every part of the country, and almost at every turn.—But, if the House of Commons he had been alluding to had taken the honest, straight-forward, manly, and natural course, by avowing the depreciation instead of concealing it, none of those cruel revulsions in property could have taken place; for every man, when he engaged to pay a pound, would have settled at the same time, whether it was to be a pound of thirteen shillings, or of fourteen shillings, or of any other value below par, or whether it was to be a pound of full value. All other nations at all other times had found that guard against a dishonest government tampering with the currency. It was reserved for an English government, in the nineteenth century, incredible to relate, to improve upon fraud and injustice, and to render the commission of

it more cruelly and than it had ever been government, either as the instrument of the system of measures of the Exchequer of 1811.

The noble lord is plating the melancholy Resolution, and the that had flowed from possible to find any case as an individual, he much gratification from his right hon. relative the government, not in laying the foundations, which were in hands to be so appalling in their ultimate that two of the most his great genius were country from the cause in the baneful policy talents of every kind and it might be added quotation, did he mention those two celebrated, admired speeches on the they were published, advantage of reading and the apparently simple proposition, that 75 a the same thing, that of in his notion that more than one of its parts, the Bank-note which value of eight shillings seemed equal to the Bank required the assistance of same shillings. The notwithstanding his greatly failed in persuading Commons to adopt; for knowing that his right was in opposition, and was in alliance with dispensing of the good gave, of course, their right honourable relation against Euclid, and an undoubted dictates of an overwhelming majority—just the sort of decision be anticipated that night of the hon. member he trusted, would not

\* See First Series of p. 1076.

pointed at so poor a requital of his exertions, recollecting as he must endeavour to do, the fate of the right hon. gentleman opposite to him.

The noble lord next said, that however dark and forbidding the subject might appear, and although his own acquaintance with it was very recent and he felt but imperfect, yet he had the most entire confidence, that to understand it sufficiently for a judgment on what the House was then called upon to decide, was open to almost any person's comprehension, upon a very little attention to a mere statement of the question. The question required nothing but to be fairly stated. For a long period, all the pecuniary transactions of the country were carried on in pound-notes, manifestly and indisputably depreciated; because, where there were previously forty millions of notes, there were, afterwards, sometimes fifty, sometimes sixty, and sometimes seventy, without any corresponding increase in the transactions of the country. Now, the effect of this was obvious, from this clear, irrefragable principle—that in currency quantity is every thing; for if, to take an example, there were forty millions of notes in circulation in a country at one time, and eighty at another, and the transactions of that country remained the same, then two notes in the latter case would be only equal to one in the former; but if, when the increase took place from forty to eighty in the notes, there was also an increase to that amount—namely, double—in the transactions of the country, then two notes in the latter case would be equal to two in the former. By doubling, therefore, the amount of Bank-notes, a depreciation of one half would necessarily take place, unless commercial dealings had increased. If such an increase should take place, to the amount of double, then the depreciation of the notes would be entirely cancelled; if only a fourth, then the effect of the additional issues would be counteracted to that extent only, and the balance would be a depreciation of a fourth. Now, in applying this principle to the state of this country during these operations on the currency, it would not be necessary to take into consideration the increased pecuniary transactions of all kinds, great and extraordinary as they undoubtedly were; because they might be considered to have been counteracted by the diminution in the value of money, which was going on with about a corres-

ponding rapidity, and thus the value of money was distinct from depreciation, *pro*. That, however, was a disclaimer taken into account, time a very useful and im- be kept in view. The im- would mention presently, endeavour to state the operation, and the rules governed. He felt he should satisfactorily, because he more than refer to the which he relied—he meant vered last session by his friend, lately become president of the Board of Trade, which he had made the matter clear to all. He (lord T.) was inclined to further distinction in the term, and to consider depreciation visible into three species—depreciation proceeded from natural causes, increase of the precious metals, which proceeded from a cause such as the clipping of the gold, which proceeded from the also, the economy of the currency. Economy of money was intended to spare the use of it, according to the description of his right hon. friend's substitutions for the present the shape of voluntary new contrivance of this old one improved, had been. When it was considered to what extent these contrivances were used in the various modes of and circulating credits, it was that the country had received addition to its currency. If the currency would, of course, have the effect, as if gold had been the mines in that proportion, that creditors could, therefore, not complain, since every man stood to take his chance of depreciation—arising solely from a defect in the nature of money, on the precious metals were but only the best, standard money mankind had been able to use was of the artificial, forcible kind, that the creditor justly complained that he could not be expected to take account; since no subject was proposed to calculate upon fraud in the government. This depreciation had always, up to the present, been effected by clipping the gold

course was a robbery upon all creditors to that amount; and corresponding in principle was a forcible raising of the value of currency, which was a robbery to that extent upon the debtor. In former times, when governments, in order to relieve their necessities, determined to condescend to the weak and wicked policy of cheating their creditors, they had recourse to a very simple process—which was only to clip off a portion of each piece of coin, allowing the piece to retain the same denomination. If they chose to commit this fraud to the amount of one-half then, to take the guinea for an example, they clipped it into two—still calling each piece, nevertheless, a guinea, and thereby paying off the creditor to whom a guinea was owing, with half a one. When, on the other hand, governments were not in debt, but wished to add to their means by increasing the burthens of their subjects, they increased the value of the coin, by ordering that the guinea, to take a similar example, should contain double the quantity of gold, retaining the same name; by which means the taxes, nominally the same, were in reality doubled, and private debts, of course, likewise; for where an ounce of gold had been agreed to be paid in consequence of such an edict, the payer was obliged to bring two ounces. These were the clumsy expedients governments, formerly resorted to; but, in 1797, it was discovered, that the same thing might be done as effectually, and less openly, by means of a forced paper circulation. For as the fraud was accomplished by increasing or diminishing the quantity of the circulating medium, when once a paper currency was compulsorily current, the government could increase it to any amount at pleasure, and the only difference in the two cases was, that the addition to the gold currency could only be made by clipping the coin, which every body was immediately aware of; whereas in the other case, they had only to send into the market an additional number of notes, by which the currency was increased unperceived. And for the contrary purpose of raising the value of money, in the one case, the government caused the coin to contain double the quantity of gold, or declared that a guinea should be called half-a-guinea, the object of which was immediately detected; and, in the other case, they had only to withdraw from circulation a certain quantity of paper, the absence of which

the public in general discover.

To apply these principles to the late situation of this country, thus: The Bank-note was clipped or debased of the circulation prior to 1819. During this portion of the nation's distress, the larger portion of the salaries imposed, the salaries were increased in proportion to the burthens bought and burthened almost every trade within reach of the ministers, the tax round upon the people, and told them all in clipped guineas and guineas of full value—a providently and unjustly had bound its subjects the country must suffer with the glory of a sound, wholesome, and wholesome, most unwholesome, most unwholesome, whose salaries and power extended ruin and misery to the holders of mortgages, called upon to pay a clipped one they had. And what appeared to be so simple and easy one at all familiar with this to have been extent, and the only the degree in which. Of the various opinions derived of authority, or thence of the country 10 per cent—another, 50 per cent—and a fourth which went the length of increase at 100 per cent.

His hon. friend called to set the question at issue, varying to what extent the country had been reduced, next, to discover how to be obtained, consistent to all classes in general, most especially, who were most affected by the public burthens. The history of their present clearly desirable to be sensible after the war, to cause the country to



all along, without any standard at all; which was not an inconvenience only, but a calamity. The only doubt was, how soon that return to cash payments could be accomplished, and what standard was to be fixed upon. The mere returning to cash payments was a matter of indifference almost, with reference to the difficulty of accomplishing it. The real difficulty was, returning to cash payments at the ancient standard. But that consideration was so much overlooked, extraordinary as it might seem, that he (lord T.) would venture to say, that nine-tenths of the House of Commons and of the country, excepting of course those who were conversant with subjects of that nature, imagined the only question to be, whether they should receive and pay sovereigns or Bank-notes—whether it should be in gold or in paper, and that the only party who could be at all concerned in the matter was the Bank. They scarcely knew what was meant by the term “standard of value,” never dreaming that it depended wholly upon that, what was to be the amount of every man’s property. To return to the ancient standard was certainly to be wished, for the sake of the precedent, provided the advantages were not purchased too dearly. Was it, or was it not too costly to effect this? Could the country bear the painful operation of the process? That was the point on which the whole question hinged. It was decided the country would be able to bear it, because the burthens it would occasion would amount to little more than 3 per cent. And here he must take the liberty of remarking, that he could not let the hon. member for Portarlington off so cheaply as that hon. gentleman seemed to wish; for he had said, that he had given it as his opinion, that the cost of the measure would be 5 per cent though he had lately admitted it to be 10 per cent. from the deference he paid to the authority of Mr. Tooke. The fact however was, if his (lord T.’s) memory did not deceive him greatly—for he spoke only upon memory, and regretted much, that it had not occurred to him to examine the passage in the hon. gentleman’s speech of 1819, which was accessible in those volumes which were well known to contain reports of all parliamentary proceedings—but he felt confident of his recollection of that speech when he said, that the hon. member’s words were not 5 but 3 per cent—remarking, that in a short time all alarm would be laid, and that people would lay down the idea that any mischief could be apprehended from so trifling a measure as that of adding to the interest of the country 3 per cent. The lord said, he was confident of the confidence of the hon. gentleman. Under the impression that the measure would be but 3 per cent, it was adopted; and at so small a cost was not surprising that a man had decided to encounter it. However, ever, there were who objected on the ground of so trifling an increase of 3 per cent; for 3 per cent was doubtfully but a trifle, compared with the oppressive weight of whatever was added to be the cost of it. It was seen that those calculations were wrong, having been founded upon a false premise. They proceeded on the theory that the difference between the market price of gold was a correct measure of the depreciation of the Bank-note, entering at large into the calculation. That error, he could go far towards satisfying the House by observing, that out of the numerous pamphlets on this subject had produced in three or four years, two appeared of great and admitted value, one by Mr. Blake, and the other by Mr. Tooke, which was understood to be the opinion of one of the most distinguished members on this subject, and whom he named, as the member for Callington, (Mr. Tooke). These two pamphlets opposed to one another on many points, but agreed upon one, and decisive one, that the difference between the market and mint price was, under the circumstances, and the extraordinary and things that characterized whatever of the depreciation guide in that inquiry, it would have been more idle to rely upon iron, cotton, timber, or any commodity. Instead, then, of going to the argument to prove that the difference between paper and gold was the depreciation, and that

---

\* A Letter to Lord Archibald on Alterations in the Value of Money, printed for Ridgway, A. D.

of our money had been much more serious, he would content himself with the fact, that the two great authorities he had mentioned, though at variance on all other points, were agreed upon that; and, moreover, that the truth of that position was every day more generally acknowledged. A belief in the contrary opinion had been the ground-work of the confidence that the ancient standard might be resumed without a greater sacrifice than 3 or 4 per cent. That those calculations were erroneous was now universally admitted; for the hon. member for Portarlington himself acknowledged, that it was to be rated at 10 per cent while the hon. members for Coventry and Calington rated it at nearer 50 per cent and the hon. member for Taunton, whose opinion was perhaps the most safe one to abide by, both on account of the weight of his authority, and the circumstance of his standing about midway between the extreme opinions that had been given to the public, had declared that, in his judgment, the rise in the value of the currency was to be put at 25 or 30 per cent, and in some instances more. The result however was, that, instead of 3 per cent the public found a burthen of 30 per cent imposed upon them as the price of their return to the ancient standard; in other words, that every man's debts and taxes had been increased in the same proportion. The country gentlemen had consented to a measure, the nature of which they did not comprehend, of the effects of which they had not a suspicion at the time, but which had now, in the most alarming manner, been forced upon their notice; and the question was, whether they would not, at least, make an effort to remove or alleviate the weight of a burthen they had rashly, and under a delusion, consented to be charged with. If they should come to so unaccountable a determination as quietly to await the event—a mode of meeting difficulties they had unfortunately been very fond of—he would ask them, before adopting so fatal a course, whether it would not be sufficient to rouse any other set of men, that had ever been heard of from indifference, to recollect, that Mr. Peel's bill had been passed with scarcely any opposition—that at first only a few long-sighted persons had foreseen any mischief from it—that every month almost the alarm had increased—and, what was most important, that every man of whatever degree of authority, had

acknowledged, that the pressure it would who had made a high had made a low estimate been of opinion since, below the mark. It frequently was engaged the arduous nature of been altogether unpossible for those who sufferers to decline exert their power to extricate so formidable a pressure they resolve patiently cultivate, which were not than they were overwhelming? Did any ever before think it superfluous whether a remedy was

But it had been said cruel as was the situation productive classes had were imperative reasons to the consequences might be the disposition grieyed to adopt a remedy might be their means there were considerations induce them to acquiesce they complained of as Peel's bill—for that I had been pledged to return at the close of the war present sufferers had during the depreciation class had been in distress section of the advantage enjoyed, should reconcile Malthus's expression, to taken place in the wheel that such changes in the in other times, been accomplished—and new state of currency 1819, no alteration could without injustice. Upon arguments, as they were insurmountable obstacle position of the hon. member was necessary to make tions.

But, before noticing I could not omit to comment the modes in which the hon. member for Essex I ed. What he alluded knew how to describe—of doubtedly was not—of the tion even it was unworth

piece of the emptiest abuse—though unfortunately it had been very successful in discrediting that just cause, in the support of which he had been troubling the House. Whenever any wish was expressed to interfere with Mr. Peel's bill, it was immediately exclaimed, "Oh! you landholders are finding your incumbrances inconvenient, and your creditors urgent: you can't bring yourselves to part with your luxuries, and so you must contrive something to get rid of your mortgages; and this is what you mean by equitable adjustment." And thus the term equitable adjustment had actually become a by-word for all that was dishonest. That seemed really curious; for if the merits of a proposition could be determined by the sound and nature of an expression, one would have thought that a better term could not have been invented to recommend such a measure to the legislature. The natural meaning of equitable adjustment, he humbly conceived to be such an arrangement as was most agreeable to the most scrupulous honesty—it meant, that contracts should be executed in the spirit and intention in which they had been made. Whether such an arrangement could be carried into effect was another question; but that it was other than consistent with strict honesty it was, he would assert, ridiculous to contend, and dishonest to insinuate. And here, it was most instructive to reflect, what the blindness of faction could do; for whenever this expression had been used, it had always been treated as belonging to the radical and revolutionary school. Little was it imagined by those senseless declaimers, that this remarkable expression had proceeded from a very different source—one that would not be suspected of radicalism; for it was from no other than the Tory member for the county of Norfolk (Mr. Wodehouse), and the stage on which it was produced would probably astonish many of these unfair objectors as much, for it was at one of those meetings called Pitt dinners—an occasion in some respects certainly very suitable, but whimsical enough in others, since the fame of that great man, whose career the party had met to celebrate, had been so materially tarnished by his having set aside the ancient standard of value, after it had been kept inviolate for near two centuries. But, the baseness of the calumny was only equalled by the absurdity; for if the sound of wo

was considered, surely appropriation must be worable adjustment; and y had been applied to the nothing beyond could be the character of the for

He would now leave sense, that had been those with whom he a sion, and pass to the r which they had been o sight, undoubtedly, the along during the restric was pledged to return t at the end of the war, w clusive on the point, and quire of the sufferers upon looking into the superficially, it appear any weight at all. It w try was pledged to reti currency at the end under what circumstanc that pledge? Did the bond—was it recited in the act of parliament—length of time the currepreciated, is continuing and moreover is likely nevertheless, at the end depreciation, to whatev have proceeded, shall b currency, however it n disordered, shall be re such language as that h indeed, there would h for a remedy—no appe made to the legislature interference as a cou pledge must have be whatever cost. But, i such language as this taken an opposite cours supposition, that no dep for the House of Co lightened—nearly omni with authoritative wisd dignity—"True it is, y a depreciation, but it is it is a mere phantom of notes are as valuable as has been all along un continue so; and, the country comes to pay it of the war, it will pay up terms as it would pay n ference will be, that the t in gold, whereas, n r; but the guinea t

shilling now, and consequently, in undertaking to return to your ancient currency at the termination of the war, you are undertaking what can cost you nothing—what cannot signify a jot—you are imposing upon yourselves no sacrifices—you are legislating upon a mere matter of convenience.” That, in substance, was the language held in 1811, and those were the circumstances under which that fatal pledge was given. Was it not notorious to all who were acquainted with the transactions of the two principal eras in the history of the Bank restriction—particularly the second—the one in 1811—that the engagement to revert to the ancient standard was entered into under the impression, that no additional burthen would be the consequence? And that would unquestionably have been the case, if there had been no depreciation; and the country was told, from the highest authority, that there was none. The proposal of the government was therefore readily adopted, and the bargain was ratified. The measure of borrowing in inconvertible paper, to be repaid in paper convertible at the ancient standard, was only to be dreaded by the country, from the possibility of being called upon to pay more than had been lent; but that could not be if depreciation did not exist, and the House of Commons assured the public that such was the case. On that assurance, unfortunately, the public relied. Could any one imagine that such an engagement could have been entertained, much less recommended, if the country had been aware that the inevitable consequence of it was to entail upon it, and upon every individual of course equally for his private concerns, the necessity of repaying to creditors from 30 to 50 per cent more than had been borrowed? That the public, in 1823, knew to be the case; but did not know when the bargain was concluded—nay, were assured of the contrary. The bargain, therefore, was made under a false impression. And, did not all sense of equity forbid the notion, that a bargain, where one side was not conscious of the weight of it, and was moreover purposely kept in the dark, should be insisted upon in all its strictness? This was a case, if ever there could be one, in which equity required, that the transaction should be revised and adjusted, that compensation might be made. To keep in force Mr. Peel's bill was to sanction the most violent and shameless injustice. It was to enforce the execution of what was

consented to under to consider a pled House of Commons against one party. meaning of the resolution, that Bank-note legal coin of the realm? What was the of it? It could not speculative, theoretical and maintained for a disputation and a dispute. It was for an important. It was to quiet the feelings of the creditor, by giving a neither party should a special policy of the government one should never have he borrowed, and that not be obliged to contribute less than he had lent would have been realized had spoken the truth man had at last seen was nothing but falsehood and therefore the pledge not be redeemed. As was in fact a pledge to the same moment, it must be violated altogether of the parties, or that in part, towards both. predicament, what was acting? Was it to let bear alone the whole errors and guilt? or to place the effects of wickedness equally on both? If the current resorted to, the whole imposed upon the credit would have the advantage of unfortunate changes; but standard were maintained, the debtor bore none of the by adopting a standard two extremes, the loss should be equally divided. The approach to a state of peace be made, as was possible circumstances; for it was in mind, that when the currency tampered with, perfect longer in question, and resorting to that disgrace once threw away the government professed not to regard it was inconvenient to do such a government had to make its injustice



as possible, by distributing the cruelty it had committed, alike among all its subjects. That only remedy the government of this country had unfortunately neglected; and it was upon that, that the hon. member for Essex and his friends had insisted, demanding it as a right, for the numerous victims of parliamentary injustice—who were no less than the whole body of the productive classes of the empire. The language addressed to the government was, “You have accumulated an overwhelming weight of injustice and misery by your wicked and blundering alterations in the currency; your blindness has been equal to your perfidy; you have robbed your subjects, and have not been considerate enough to rob them alike. Whatever you do now, there must be heart-rending cases of individual suffering: you cannot diminish the aggregate of injustice and wretchedness, but you can prevent the weight from being intolerable, by distributing it, and extending it over the whole surface. The acts of 1797 and 1819, committed two open robberies—those robberies cannot be recalled, but you may contrive that the class last robbed should only suffer that violence to the same extent as was the fate of the one first attacked. You are fallen into that melancholy, disgraceful, odious, and horrible condition, that you must cheat somebody, therefore be considerate enough, in the midst of these horrors, to cheat all alike.”

The second weapon against the hon. member for Essex—that is, the one which is next in favour with his opponents—is the circumstance, that the landholders did not complain of the change in the currency as long as the mortgagee and annuitant were affected, and that consequently it was not reasonable in them to complain now, when it was the turn of the other party to have the advantage. This was probably the first time it had been contended, that one class was to look after the interests of another, and, as far as the changes of the currency were taken into account, a rival class. It was certainly not according to the ordinary course of human affairs, that a party profiting by a particular state of things should be the most keen and acute in discerning that it was not according to strict justice. All experience, the nature of the human mind, and indeed common sense, pointed out, that if those who suffer do not ask for redress, nobody else would perceive that there was anything to redress. No more

could be expected than that the party possessing an undue advantage should be ready to abandon it as soon as the case should be made clear. If the annuitants of 1811 had been conscious of their wrongs, and had called loudly for a remedy, and the landholders had refused an inquiry into their complaints, then undoubtedly, speaking of the landholders as a body, they would, in 1828, be asking for relief with a very bad grace. But it was a gross misrepresentation to say, that the landholders were any party to those proceedings; for, besides that the country gentlemen were entirely passive, and, as they generally appeared, merely servilely obedient to the ministers of the day—no more so than on most other occasions—and that moreover they of all others were blinded to the nature of the Bank Restriction act, the fundholders of those days obtained every advantage asked for by the motion before the House; for they got an inquiry. It was true they got no remedy; but that was because the House of Commons did not recognize the existence of any grievance; for the grievance was the depreciation, and the depreciation was solemnly denied. To put the landholders upon equal terms with the fundholders, they too must have the benefit of an inquiry; and, if the result of such an inquiry should be the same answer that was given to the fundholder in 1811, it might safely be said, that remonstrance would be heard no longer; for the House of Commons would never again dare to have recourse to such a combination of falsehood and absurdity, and the truth of the prediction therefore could never be ascertained. To vote, that the landholders had suffered nothing from the currency, which was in substance the vote carried with reference to the fundholder, would be to pass over again Mr. Vansittart's resolution. But, even if it were an admissible argument, that since the one class had been benefitted to the injury of the other during the war, the tables might now be turned without injustice, in that point of view, the landholders would nevertheless be oppressed, for the annuitants were only wronged during the war; but, as the standard of 1819 was to be permanent, the productive classes would suffer, not for a time, but permanently—and so there was no fairness in the reprisals made upon them.

The third argument was, that the attempt of 1819 was no more than what had been attempted formerly, and what

had been happily accomplished. There could be no greater fallacy. Reference was made to the times of Elizabeth and William; but that was to compare two things wholly different. In former times, whatever debasement or reformation of the currency took place, was necessarily open and avowed: but, in the debasement of 1797, it was not so, and in 1811, it was absolutely denied; and by means of a servile House of Commons, it was to a great extent actually concealed from the public. Formerly, there could be no concealment, because the operation was a very clumsy one, being nothing more than cutting a piece off the guinea, when every man, of course, perceived its diminished size, or substituting some baser metal for gold or silver, which was at once apparent in the altered colour of the coin. The ingenuity of our times had discovered an expedient, by which the same end might be accomplished more silently; for by means of paper, as the appearance remained the same, the effrontery of a government might be sufficient to keep the people in ignorance of what had happened. As long as such things were done in the face of day, individuals were able to provide against the consequences, and such, history informed us, had become a regular practice; but, during the late depreciation of the paper currency, the people were deprived of that resource, because, confiding in the House of Commons, they believed there was no occasion for it. Some few had the presumption to go counter to the expressed opinion of the House of Commons, and being firmly persuaded of the existence of depreciation, took the precaution of stipulating in their lease to receive the rent partly in kind. But of such prudent foresight, the instances were rare. Another great distinction between the late restoration of the currency, and that of former periods was, the vast difference in the transactions of the country; and it was evident, that the extent and complexity of the mischief must depend upon the number of debtors and creditors.

Another characteristic of the late depreciation was the universality of it; for, as the currency was entirely paper, there could be no exception to the change; whereas, former debasements were partial; for if the currency was debased, the gold was deteriorated, the gold and vice versa. Thus, in the late depreciation, there was a security against

this fraudulent policy, as the index was open to detection. Hence, the difference between gold and paper in the market, pointed out a violation of the most sacred principle by which a government is bound to maintain a given quantity of specie in circulation. In the case of the late depreciation, it had procured a temporary relief, while, by taking gold out of the market, the price of the paper was raised, then it was clear that the depreciation, which that phenomenon had been exercising the power of the currency to deteriorate, was undoubtedly, pending the depreciation, or less affected by it. But it was known to the public that the depreciation was a mere artificial depreciation, and that the contracts were made with reference to the standard as it existed before the depreciation of the currency. The public had neither such a security; for, as the currency was entirely of paper, of no value in comparison could be made of payment, no security could be found.

It was necessary to resort to the same practice of depreciation as in former ages, before the advantage of precious metals was lost, and sheep were the only security. Unluckily, even this was not open to the public, as its inherent respect for the wretched sophistry blinded and bewildered that half at least, of the population, whom an individual would have been against a further alteration of the currency would have probably have been probable. The rise of price to the increased demand for the commodity in question. The fatal policy was still in force by the circumstance, that the depreciation of a paper currency for loans increased in proportion that they became more numerous.

Next, as to the injustice committed by any alteration of the currency in 1819 upon all who have money engagements secured. It certainly could not be some injustice in this world, the effect of a modification of the currency.

and every year such a measure was delayed, the objections to it would become stronger. The session before last, when a similar motion was made by the hon. member for Taunton, the balance of advantages would have been greater in favour of that measure, than last year when it was brought forward by the hon. member for Essex; and the hon. member for Essex undoubtedly could not consider his motion of 1823, as salutary as that of 1822. Every year the objection to such a measure became stronger; but the weight of such an objection had not yet become sufficiently strong to overturn the justice and expediency of the motion. For, as he had already observed, the whole question was, by what course the greatest sum of injustice would be avoided? The currency once tampered with, perfect justice was no longer within reach. Undoubtedly, contracts since 1819 would be disturbed, which would be a hardship deeply to be regretted, but which was chargeable only on those who first violated the standard, and set at defiance the principles of an upright policy. In repairing such evils, injustice must be done; but that was the misfortune and not the fault of those who undertook the task. To make the remedial measure fair, it would be necessary to do less than justice to some parties, and to do absolute injustice to others. This was the most heart-rending circumstance in this vast and complicated evil. The consideration, however, of the fraud that would be committed upon creditors of the last three years was alleviated not a little by what he believed to be the fact, that persons had been unusually cautious in their contracts, and not inclined to enter into any—owing to their distrust in the restored standard [Here Mr. Huskisson cheered]. He perceived, by the cheer of his right hon. friend, that he did not concur with him in this opinion. He thought, however, he could diminish somewhat of his right hon. friend's confidence, by reminding him of what had occurred the last year to his right hon. friend himself. It would be in the recollection of the House, that the right hon. gentleman, then first commissioner for the office of Woods and Forests, had moved, as an amendment to the motion of the hon. member for Essex, that the House would not alter the standard, meaning, beyond a doubt, to discountenance the notion, that the standard would ever again

be interfered with. Of course there could be no doubt; for his speech he told the object was, to follow the great man Mr. Montagu Celler of the Exchequer. What followed was curious when the hon. member taunted the ministers with a presumptuous policy, in rushing a resolution, under circumstances of the countenance of the Duke of Marlborough then at the head of the Government, by his answer, that the plans of the mover of the motion were for he said he considered them to be only, that the House should at that time alter the standard, manifestly at variance with the views of his colleague. The fact could not but be a pretty decisive answer to the right hon. friend; for the Minister of the Crown had no confidence in the standard, the resolution alluded to, no confidence could be expected in the public? By lowering the standard would undoubtedly devalue the money, and had become creditors since the only just principle was that as few as possible were defrauded. All the king's subjects alike, the House could not be deterred from the measure, for the comparative value of the money entered into, since the passing of Peel's bill. It was a principle on all hands, that when once tampered with a standard, it could not be restored to its former position with perfect justice to all parties. Fixing upon that point where during the depreciation the standard had been the longest, it would be a few years, justice was returning to it; but if for years, then it would be injustice to return to it, and it was to depart from it. This had been well expressed in the Bullion question, by two parties who were decidedly of the Bullionists, and who considered as men of vigorous notions. Their language turned to the standard for depreciation, it will be in

unjust to do so." So that those stout Bullionists gave it as their impartial opinion—for the question had not then arisen—that what has been since done by Mr. Peel's bill would be unjust; and yet the thoughtless cry of the present day was, that the advocates for a repeal of it were dishonest politicians. The two gentlemen he had alluded to were Mr. Henry Thornton and Mr. Sharp. The passage in Mr. Thornton's speech had been read to the House early in the session, by the hon. member for Norfolk; but as it had been brought forward at not a very favourable moment, and appeared a most important auxiliary to his side of the question, he would also take the liberty of reading it. Speaking of the important subject of the standard of our currency, Mr. H. Thornton said,

"There was great danger of our finally departing from it, if we suffered the present depreciation of our paper to continue. The first resolution of his right hon. friend appeared to him to be liable to the construction of laying in some claim to depart from it, if such a measure should hereafter be deemed expedient; for it asserted the king's right to alter the standard; and the very mention of such a right when the temptation to exercise it was occurring, might naturally excite apprehension among the public. Indeed, the argument in favour of a deterioration of our coin (or of a change of its denomination, which was the something) would, while the present state of things continued, grow stronger every day. To change the standard when the paper has been long depreciated is only to establish and perpetuate a currency of that value to which we already are accustomed, and may also be made the means of precluding further depression. The very argument of justice after a certain time passes over to the side of deterioration. If we have been used to a depreciated paper for only two or three years, justice is on the side of returning to the antecedent standard; but if eight, ten, fifteen or twenty years have passed since the paper fell, then it may be deemed unfair to restore the ancient value of the circulating medium, for bargains will have been made and loans supplied, under an expectation of the continuance of the existing depreciation. If therefore we were earnest in our professions, we ought not to be in a situation of unreasonableness. By the present

decision of the House herence to the standard mined."

Mr. Sharp said, 'cautious not to allow of interference on the subject to escape. It was fordable; soon it was an impassable sea.'

So, if Mr. Henry Thornton and in the house, the Essex would probably benefit of his assistance. In all these points sufferer from the Cash a claim for relief. He should be of opinion that way, could there expediency would enjoin to the expediency of there were two great considerations. One was, to a great extent, we place in the landed property. The other was, country with regard As to the future of the owners, the most sanguine scarcely imagine that, at the rate of the last, be impossible for the to preserve their estates. Those whose estates were burdened would be forced to sell their former property, selling for that low price which was a necessary consequence of by an excessive and Those who are usually men would step into sessions of the landed property, and the unfortunate sellers would be residents in those foreign countries, the wreck of their fortunes sufficient just to maintain their families. He would not touch the question, whether it would be injurious to the country. He was ready to admit, of reasonable doubt would result to the general immunity. If those who owned the land should be so scarce would succeed to the land would equally be cultivated at the abilities and industry of the former owners, and into whose hands it was impossible to d



respects, the change would be advantageous. Whether, therefore, it would signify to the state at large that the distressed landed proprietors should be left to their fate he would not argue, but would assume that such would be an evil. And let men differ as they might upon that point, it was hardly possible for them to doubt, that there could be any other result from the continued supineness of the country gentlemen than the total disappearance of many of them, and the degradation of most that should be left.

Still, however, it was evident, that the delusion about high prices remained. The absurd hope still existed, that in the new currency those average prices might be obtained, which had never been known except in periods of scarcity or of a depreciated currency. This hope had been kept alive and had received new vigour from the rapid increase of the last two months. This symptom of bad times the unhappy farmers had mistaken for the

forerunner of good; and equal to their misfortune to suppose, that the price in the month of June amelioration arising from the the certain lateness of the nevertheless be permanent accountable mode of referred, that what appearances was the maximum counted upon as the average that, to give prosperity, should be the average of whereas it had in reality forty. If, in their delusion the late rise, the country whom not one was present period of the debate, could upon to attend to some fact damp their sanguine expectations would read an abstract prices during periods of from the Revolution to the end of the late war—

The price of wheat was, from 1688 to 1792, divided into periods of on the average—

During the war of Revolution .....	from 1688 to 1697 ...
Peace of Ryswick .....	— 1698 — 1701 ...
War of Spanish Succession.....	— 1702 — 1712 ..
Peace of Utrecht.....	— 1713 — 1739 ..
War of Flanders .....	— 1740 — 1748 ..
Peace of Aix-la-Chapelle .....	— 1749 — 1754 ..
War of American Boundaries .....	— 1755 — 1762 ...
Peace of Paris .....	— 1763 — 1774 ...
War of Revolted Colonies .....	— 1775 — 1782 ...
Second Peace of Paris .....	— 1783 — 1792 ...

Making on the average the price of wheat in peace greater than in the considerably more than five per cent.

So, to the surprise probably of the great bulk of the country gentlemen, war perhaps had a tendency to lower rather than to raise prices, and therefore threw them upon the state of the currency as the only solution of the great change they had experienced.

But, however indifferent it might be considered whether the old landed aristocracy should be displaced and the vacancy supplied by a new set of men, no one could dispute the importance of putting the country into a condition to undertake a war. That it was very far from being in such a condition he was perfectly convinced. He did not mean to say that, if the honour and safety of England were in danger, the resources of the state would be insufficient to enable it

to engage in a war and to with as great vigour as it in the last contest. It was impossible not to be all purposes not immediately ever much they might be the country was utterly unprepared. If an invasion was threatened was taken possession of, doubted not, be perfect as up arms against any enemy of enemies; because, all would be forgotten for the moment and indeed the ultimate benefit private interests themselves it. But, at the same time interests of certain classes in such jeopardy by war, they would venture to recommen

could shew that the honour of the nation would be affected by remaining at peace. It would be quite in vain to hold forth to the public upon the vast importance of preserving the balance of power, and of not departing from the policy pursued ever since the Revolution. Those objects were, in truth, essentially British, but they were indirectly so, and the question admitted of dispute. He would ask, then, why it was, that in possession of the greatest resources the country could ever boast, there nevertheless never was a time when nothing far short of the last necessity could drive the nation into war. The undeniable answer was, it is crippled by the debt. The debt was a fetter from which there was no extrication whenever a commanding attitude was necessary. Every minister must feel, that there was no such chance for his overthrow, and for the success of his political opponents, as the chance of a financial convulsion; which was scarcely a matter of doubt, if we should ever be engaged in an extended war. The ministers therefore would naturally be pacific, because they knew that war would in all probability be fatal to their power. The two great classes in the state, in point of influence, were the landholders and the fundholders. The fundholders would be against war, as long as it could be avoided by any means; because the inevitable consequence would be, a reduction of the debt by some means direct or indirect, if the contest should be at all protracted; and if on the other hand the struggle should be short, and a bankruptcy avoided, then the debt being augmented and additional burthens falling on the landholders, as they could scarcely support the pressure of those they had now to maintain, they would in that case be altogether overwhelmed. The landholders therefore were opposed to all war-like schemes, almost as much as the fundholders; though not with the same warmth or so universally, as he was sorry to perceive; for no one could disguise from himself, if he had observed what had passed in the last two or three months, that war would not be ungrateful to some of the distressed agricultural districts, because they foresaw from it a relief from, instead of an addition to, their burthens. Such a motive could not be too strongly condemned. The necessity for reducing the national debt might become unavoidable—the justice of the reduction might be indisputable—the fundholder himself

might be anxious to forcibly those consider it would be a ruinous on the arising of a war. If ever it should be only be with honour clear demonstration of necessity of it, affording all sides, and a display of all opinions. The war would be no less a passionate inquiry. It might be just, but necessity would take the precedence whether the justice authorize it or not, so suspicious a one, that the effect of an arbitrary calamity, no one could himself, must be in the country, if a blow should honour and safety, if of value was to be added in his opinion, as he found impracticable to maintain an extended war, unless should take place in the precious metals—which was the chance of which was from the late events. But then he feared that to be effectual for it to be almost such a one by an ancient historian that silver, all of a kind plentiful as stones. There was at least no immediate was the time for satisfying the justice of the present we discovered it to be alter it without suspicion covered it to be just cheerfully struggle to difficulties would be but very consciousness that honestly decline to enter

It was impossible, to mention the general without referring to on the continent, since intimate connexion present discussion; for it depended the question of the influence of England should or nothing at all on it was firmly persuaded that had been fixed at a just interference of France in so unfathomable in this country, would

In the face of England, protesting and menacing that great blow at her interests, that daring encroachment on the rights of nations would not have been ventured upon by the fanatical rulers of France. That, from his own observation in the course of the winter at Paris, and he believed he had been in the way of pretty good information—he was confident was the opinion of all parties there. On the character of that interference, there was little variety of feeling in the British people, though as to the great importance to us that the French government should be thwarted and that its wicked hostility to liberty should recoil upon the authors of this cruel invasion, opinions were more divided. How, with the experience of history to guide us, it was possible to entertain a doubt of this kind he could not comprehend. It had been hitherto the general opinion among English and French politicians, that the alliance of Spain was of the greatest value to France, and made her most formidable to England. To doubt this, one must forget that the combined fleets of those two nations had swept the channel, and that all former maritime coalitions against us were very inferior to what we must expect to see arrayed against our ascendancy some day or other. If the French government should succeed in re-establishing the despotism of Spain, nothing could be more certain, than that Spain will become, what she has always been since the treaty of Utrecht, the mere satellite of France. Family interests will be predominant, from the natural inclinations of the two branches of the house of Bourbon; but a much stronger tie would be, that as the restored despotism of Spain would owe both its restoration and its prolonged existence to the French Bourbons, the interests and wishes of the Spanish nation would go for nothing in the direction of affairs, and such a Spanish government would never dare to decline, whenever it might suit France to drag her into a contest with this country. And when it was considered what a vast additional danger would arise to England from the mere necessity of watching and blockading such a length of coast as the coast of Spain, it seemed not easy to exaggerate the importance to France of having Spain for a certain friend instead of a natural enemy. He thought it therefore matter of the deepest lamentation, that we had not stepped forward in defence

of a cause that it would have been honourable and wise to defend, had it not been for our peculiar circumstances regard to the debt. He could not think that any English minister, whether Tory or Whig, would have consented to be a passive spectator of these proceedings, or that he would have confined himself to despatches politely written, when the debt had amounted to no more than a comparative trifle as 400 millions of 800. But, considering as he was out of our power, to do otherwise was due regard for the fears of influential classes, the landholders and fundholders, he felt that the government had taken the only course open to it, and had not allowed the debt to be unnecessarily lowered in the rope. He fully admitted and deplored, that the country was in that high situation it had attained, and that was not any fault in the ability of the administration, but the necessary result of our glorying in the ancient standard of value, and the disguised and intolerable additions and burthens which that standard had tailed upon us. Of this the government could not avail itself, and late discussion of the neglect of the leaders of it in the two last years, as they were thought to be, had taken a lofty and declared, that the country had better be prepared for war; every one must feel, if the fundholders were considered but a ridiculous rhodomontade, nothing could be more disadvantageous to the country than to remonstrate ready to support its renouncing arms, he felt a most conscientious conviction that the government had taken the best line for the country, and he, right hon. friend, to use a free expression, considering he had ridden the race and perhaps, there was still a good deal behind, which was the knowledge of the continent, that financial was the real key to our power, and the encouragement and inflexion held out for wicked enterprises. The whole of the island, and the well-known people, marked at once to the government, that nothing but the most solid considerations could have the impulse every true English

the promulgation of the horrible sentiments in the French king's speech to the Chambers. They all knew full well that there was but one check to that impulse—600 millions of debt borrowed in one currency, and to be paid in another. The state of our finances had been perfectly understood from that instant, and had become matter of congratulation to the despot and of grief and dismay to the oppressed.

To all this it might be replied, that however lamentable this state of weakness might be, there was no hope of any remedy from the labours of a Committee on the Currency, and however great the mistake of 1819 might be admitted to have been, there was now no mode of repairing it. He was convinced there was no such occasion for despondency, and that the remedies were several, and one, indeed, easy and obvious. The nature of them it would be rather premature to enter into, because the evil to be remedied was not yet acknowledged; and besides such details were of course the peculiar province of a committee. Possibly the House might resolve, as a former House of Commons had done, that a Bank note and a shilling had been always equal to a guinea; and then, undoubtedly, there would be nothing to remedy, and the efforts of the hon. member for Essex would be extinguished in the most decided manner. In case of a more satisfactory result than such a one as he had anticipated as possible, he could not sit down without briefly mentioning the various modes of relief to which he looked. First came the expedient of an adjustment of contracts, that had been so much decried, to which the noble lord, the member for Salisbury, looked with so much confidence, that, as it was understood, he intended to propose an amendment to the motion of the hon. member for Essex, for the purpose of narrowing the question to the merits of that particular remedy. He (lord T.) would not say more upon it, because he hoped the House would have the advantage of hearing that noble lord upon all the bearings of it. If he thought it practicable he would prefer it to every other plan, because by it alone would perfect justice be obtained. Not being very sanguine that such a plan could be carried into effect, he was more inclined to what would naturally be the proposition of the hon. member for Essex—namely, to alter the standard, and to place it at some point between 3*l.* 17*s.* 10*d.* and 5*l.* 4*s.* Ano-

ther remedy would be of government paper, of different degrees, in which certain debts should be paid in that which had been regulated. For the latter part of the matter he should consider himself with his right hon. friend of the Board of Trade, and of the Board of Trade, of following the example of Mountagu. But, if no other remedies were thought proper, one of a smaller description there ought not to be mentioned—he meant, to convert from gold to silver, and at once diminish the burthen by five or six per cent. It was absurd indeed, as we might make light even of so much as that. He was sure to draw favourable attention to a minor remedy, to meet the support of a noble friend in place,\* who, early in the session, declared himself strenuous in it.

The noble lord then occurred to him, that he had noticed what had struck the noble lord's singular observation of the noble lord of Portarlington [Cry Hear, hear!]. He would not say more than his last observation within the limits of the noble lord's limits. That hon. gentleman said that he could not see how the currency was to be adjusted to meeting a war. He (lord T.) finished at that observation, which seemed obvious and that the currency were to be reduced to 25 per cent, then the burthen nominally remaining the same, in reality, be reduced 25 per cent. The proportion would be the same as the objects of the war with the position of taxes. If the currency were to be brought about to justice, then, in the end, there would be no advantage from the shock to public advantage of such a plan, equal to the dishonour of such a measure would be to justice, was the great point, and that to which a committee should devote its attention.

---

\* The marquis of Lansdowne. p. 28.



He would now detain the House no longer than to remind them, that to reject the motion would be to decline taking into consideration a subject the most momentous, and of the most anxious interest that had ever pressed itself on their attention. With reference to the foreign relations of the country, prudence and the national honour would manifestly recommend it; but, if the government and the parliament had come to the painful resolution, that England must consent to abandon forever the lofty station she had so long held among the nations of the world, he trusted the House would think it worth while to take the course pointed out by his hon. friend, in order to avoid that great revolution in the landed property which must otherwise take place; and he would intreat the ministers more especially to reflect what their duty was to that great body of men, who had kept a Tory administration in power for near sixty years, and who, however they might have served their country, had at least served faithfully and zealously his majesty's present ministers and their political ancestors—the country gentlemen, whose very reproach to the rest of the community was their tame and undeviating acquiescence in the measures of all governments, whatever those governments might happen to be, and whatever they might choose to propose, and who had a claim therefore on their rulers for compassion; but if those rulers were deaf to the calls of gratitude, and dead to all sense of what they owed to that great, important, but much abused and long suffering portion of their countrymen, he would beseech them to pay some regard to their own doctrines of the horror of all revolutions, and he would suggest, that those who contemplate with the utmost alarm the smallest innovation, if it was to affect the salary of a public servant or to injure the influence of a Borough proprietor, should not wholly disregard so extensive an innovation as this, which was to sweep from the face of the land its present possessors, consigning them to beggary and to exile; and, as a large portion of the present ministers had given proofs of energy and of a readiness to encounter difficulties, when their own individual interests had been at stake, he trusted that they would not entirely neglect the interests of that great body of men whose existence was at stake—that they would not be altogether indifferent to the fate of that class—that they would not shrink from the task

of saving it—and that that about redeeming past errors decisive and spirited proof of love for their country.

Mr. *Baring* said, he thought the present was a question that rested only on one or two classes of the community. On the contrary, it was to be a question of the importance to all classes of society. He was anxious to state his opinion on the cause he wished to account for, and he appeared to be an inconsistent person. Having, three years ago, on the question of the currency, in consideration, made a proposition to the House of a similar nature to that made by the hon. member, it might be asked, why, then, he should feel it his duty to make an inquiry now called for. To a man who had just sat down and said a few words, pronounced in defence, when he had said on the question of currency “nothing.” And he would extract which the noble member had from a speech delivered, in which, by that excellent and able member, Henry Thornton, explained the principle on which the proposition rested. It was impossible to state precisely, that three or five years should be the duration after which a currency, if tampered with, should be restored to its original value. It was essential that there should be a certain period of time—not limitable period; and if a legislature were so unfortunate as to tamper with the currency of a country—whether it afterwards returned to the course they had departed or not, it was a question of time. Supposing it to be generally admitted, that laws were made to any certain amount of 15 or 20 per cent. advance—in the currency of the country would become a matter of course, whether it would not be better to go on the principle of depreciation, than to return at once to the original value. He was of opinion, however, that a committee at present would do no good. The hon. member for Essex had a benefit on the country, in that, by the agitation of the question, in the first place, the numerous meetings out of the country had induced the public to believe, that the interference of the legislature was called for.

the alteration in the currency. Now, when such an universal feeling prevailed from one end of the kingdom to the other, it became necessary for that House to discuss the subject. He disapproved of the remedy which had been proposed by the committee of 1811; and, looking to the reasons on which that remedy was founded, he thought no practical wisdom had been shown by that part of the House which had supported it; because, if any measure could be more absurd than another, it was—in the midst of a war—in the midst of the fluctuations of money occasioned by loans—to ask the Bank to resume its payments in specie. It appeared that, in proportion to the difficulties of this question, individuals were peremptory and obstinate in their opinions. The question was not now settled, much as it had been discussed. Every one who had spoken or written on the subject, had treated all those who opposed their theory as dolts and fools. It would have been wise if that House had passed a resolution, stating that this was a question of very great difficulty, and that no party had been found who could show them the way out of it. Many gentlemen would doubtless ask, “What is the use of these discussions—what is the good of showing that one-half of the people have been deluded by the other?” It was a most important duty to do it. In the first place, it was always useful to hold up truth and sense to public view; and it was of the greatest possible advantage—not that they should leave no lights and no land-marks behind them—but that they should not leave any false lights; that they should not be instrumental in preserving any deceitful land-marks, to puzzle and lead astray posterity. When those who came after them looked back to what had occurred within a few years, they would find a resolution on the Journals of the House of Commons, at which they must laugh; but which would appear as gravely on the pages of those Journals, as if the whole wisdom of parliament had been consulted in drawing it up. Therefore it was proper, that the opinions of the contemporaries of those who formed that resolution should be clearly and distinctly known.

The right hon. the president of the Board of Trade (Mr. Huskisson), whose sentiments on this subject had been extremely orthodox when he was out of place, but which were no longer so now he was in office, instead of inserting on the Journals

a resolution reprobating tamper with the currency, contented himself with a resolution, that it was no alteration in the currency, but let them look to the friend, the member for the county of Devon, who had asserted opinion that it was extremely cheap any alteration in the currency, and the distress which had arisen from it. Posterity would be more acute than he was, and perfectly what his friend would not consent to propose. He would not consent to propose a committee, because it was just to the country to have a committee, but not to the country to have a committee, because he thought that it conceived it to be the duty of the country to bolster up the currency for the purpose of carrying on the war, as had done so with a few years ago. He admitted, that it had been detrimental to the country, but not detrimental to the most of the community; because it was with which the general public were less conversant, than that of a tampering with the currency. He thought that the great body of the people were on the principle which was followed by the noble marquis of Blandford, now was just as good as any former time: they had not any thoughts of the currency, but they were receiving a full value for the gold; but they now discovered that it was not so. While, however, he was speaking of the evils which the system was willing—considering that it had elapsed—to put in the inconveniences that were caused, than have recourse to a committee, called an “equitable committee,” was well aware of the evils of this tampering with the currency, upon the principal fact of the currency. He did not think that the noble marquis who had stated in such a manner the grievous injury which had been inflicted on the country, had at all of the aristocracy he had no objection to that it ought to be done, but he believed that the committee, which was appointed in 1811, had done it.

sons of respectable families, which fortunes were not sufficient to discharge the incumbrances. And, if that was the case with great fortunes, how stood the farmers throughout the country? Their situation was necessarily still worse. Many of them who had laid aside money to purchase land which they had partially mortgaged, had been entirely ruined by the speculation. Numerous families had been reduced to beggary, without perceiving the invisible hand which had struck them down. That much misery had been created by tampering with the currency, was generally admitted. It was, however, in a great measure, denied by the hon. member for Portarlington; and, where his hon. friend did allow that any wretchedness had been thereby created, it was accompanied by so much of argument on the other side, and so little of feeling for those who had suffered, that it absolutely went for nothing. Indeed, his hon. friend appeared to be ignorant, that this tampering with the currency had been the great cause of the distress which had been experienced. Then, as to the question of depreciation, if it could not be brought, like Mr. Mushet's calculations, to a table, his hon. friend would not admit it to exist at all. On that evening he would hear of nothing but the difference between gold and paper; but he (Mr. Baring) would contend, that there had been a depreciation of the precious metals themselves, in consequence of the issue of paper, when they came to turn out all the gold and silver from England into the market of the world.

The hon. gentleman then proceeded to trace the depreciation in the value of money, from the discovery of the mines in America down to a much later period, when an abuse of the banking system was acted upon extensively by Russia, Austria, Denmark, and the United States of America; and contended, that the difference between gold and paper was no criterion of the prevailing distress, as had been asserted by the hon. member for Portarlington. All those depreciations, of one sort or another, had been the result of an extravagant paper system; and, whether it was a depreciation of gold as compared with paper, or of paper as compared with different commodities, it was manifest, that the same injustice had been committed. When he had moved for a committee, he wished that committee to go into an inquiry as to the state of the silver currency, unembarrassed with

any other question. The lieved, if his advice had been followed, it would have placed the country in a better situation, without any additional paper.—The hon. member contended that the reference made by the hon. member for Portarlington to the probate of wills, as a criterion of property, had not depreciated. The probate duty arose from property, and that property was the funds. Individuals who at 60, might at their death have property which would sell at 70 or 80, would be a fair index of the stamp duties as an unsafe criterion. It was true that some of those duties had increased, but that was a proof of distress, not of prosperity. In the year 1845, the value of property caused by the depreciation of the pound fell with intense severity on the manufacturers; and there was a great depression of the middle class of the country. The gazette; but a new race of property had come up, while the agriculturists were suffering from their situation, doing more lingering misery.—The hon. member contended that of equitable adjustment was utterly impracticable. The property had got too little, and as they would find it impossible to alter the latter and tell him to give his property to the former, the property had long since been in the pockets; and, with all the ingenuity in the world, at the end of fifty years, he could not get any single parish in England to pay the difficulty was to be relieved from debts and incumbrances. A naturalist would tell them that even relieved from one-third of that relief would enable them to pay their debts.

Before he concluded, he said a word or two on the question of the currency. When the subject was in a committee of that House, he had deavoured to convince the majority of the propriety of having a double currency. He had argued, that it would be a security against any future depreciation of a metallic currency. Under the present system of a gold circulation, he thought, if the country were in a war, that two campaigns would be required before all the commercial property would call out for a return to a paper money. The circulation was placed on the basis of two metals to the cur-

be less danger of resorting again to the paper system. It should be recollected, that since the return to cash payments, the country had not had any difficulties to contend with. We had uniformly had good harvests, and had, on no account, been obliged to send gold in extraordinary quantities out of the country. If, too, the Bank had two currencies to work with, it would greatly facilitate its operations, in case of a demand for the precious metals; as there was no country of Europe in which silver might not be had, in the event of a run upon the Bank. In his opinion, if we had remained in the state we were in before the conclusion of the war, silver would have become the standard of the country. These considerations induced him to think, that a silver standard of currency would be a security against war.

Upon the whole, whatever propriety there might have been in bringing forward a motion for going into a committee, before we had returned to cash payments, he could not think that the adoption of it, after a lapse of four years, would be advisable. If the professed object of the motion had been to relax any of the inconveniences resulting from the change of the currency, it would have been less objectionable; but seeing that the professed object of it was the adjustment of all contracts, and that the inevitable effect would be, to unsettle the public mind and to derange the credit of the country, he could not consent to vote for the proposed committee. To interfere with existing contracts would be to do an act of great injustice, not only to the agriculturists themselves, but to all classes of the country. For, let it be borne in mind, that such a measure must necessarily include not only the old contracts, but those new ones which had been made since the restoration of a metallic medium. At the same time, in making these observations, he did not wish to be included among those persons who thought that no injustice had been done by tampering with the currency; and he would say, that the House and the country were much indebted to his hon. friend, the member for Essex, for having again brought the subject under the notice of the House.

Mr. Wodehouse was about to address the House, when Lord Folkestone rose and observed, that as many members had yet to deliver their sentiments on the question, he should move an adjournment of

the debate till to-morrow, which was accordingly put

## HOUSE OF

Thursday,

### RESUMPTION OF

The order of the day being the adjourned Debate made yesterday by Mr. Wodehouse, a Committee be appointed to consider the change made in the value of money between the year 1793 and the consequences upon the Money-income derived from its industry, the Public Debt and relatively to the Money of the country; and the effect of the currency upon the relations between individuals."

Mr. Wodehouse said he had always appeared only of infinite importance, which was most important. He was aware too of his willingness to enter into a willingness which had late by the consideration of the extreme depression of prices at present at least, removed therefore have been carried by a silent vote upon the particular reference made to him seem to require attention. Before, however, that point, he was desirous of word respecting the proof of the improved prices, conscious of being mistaken, other men to give way to alarms, yet, as the experience seemed to exclude such as could be said to be ungenerative under our circumstances, such for instance existed at the present time. He confessed he found it extremely difficult to settle down at once in that all our apprehensions were finally removed.

It was true, as had been said by the noble marquis on the former occasion, that he (Mr. W.) was the first who had used the term "element," which had afterwards been adverted on by Mr. Colclough at a public dinner in the company of gentlemen who had been



the late Mr. Pitt, at which he happened to preside. Upon occasions of that nature, it was a matter of actual duty for any one placed in the situation in which he was placed, to state his opinions respecting public men and public measures, freely and without reserve. It was at that public dinner that he had declared his belief, that if Mr. Pitt had lived to the termination of the late arduous contest—looking to the enormous length to which it had been protracted, the immense sacrifices which had been made under it, and, above all, the mode and system on which it had been conducted—he would have been sensible of the entire alteration in the value of every thing that was the natural result of it. That he would have been impressed with the unavoidable influence of our national debt on the general state of our society—and, without the least idea of running down one interest, and upholding another, but simply with a view to maintain the just equipoise of all; would in some way have provided that a more equitable adjustment should have been effected. It was open to us to have done it, either by retaining a part of the tax on property, or by making an alteration in the standard of our money. We might have adopted either of those modes, or we might have adopted both. By rejecting both, we had brought a measure of suffering upon the country, of the extent of which even the wisest amongst us seemed to have formed a most inadequate conception. In such a light did the case always appear to him (Mr. W.), and every day's reflection served but to confirm him in the belief.

An allusion also had been made by the noble marquis to his having cited an opinion of the late Mr. Henry Thornton, the object of which was, to establish the justice of a departure from the ancient standard of value. He had selected the authority of Mr. H. Thornton, because the right hon. the present president of the Board of Trade (Mr. Huskisson), than whom no one was more competent to form a judgment had, in his celebrated *Treatise*, which he published in 1810, made mention of him, as a man who was a positive blessing to the country, from his extensive knowledge of this subject—“Not only a member unconnected with party, but one intimately acquainted with the whole business of banking, with all the details of commercial credit, and all the bearings of our money system: In

this work” (*i. e.* in Mr. Thornton's *Paper Credit* published in 1810). Every reader will find the true political economy united with the most extensive experience of a Banker.” It would be in terms of more unqualified praise than were frequently referred to of the late Mr. Horner a member of Liverpool, and it was always that we had acted in strict accordance with the principles of Mr. Horner. It would be idle, however, to cite great authorities out of a due regard to the circumstances under which we acted. How could we be censured if Mr. Horner would have given evidence in 1819, that he had seen the annual weight of international Debt had been increased in the interval, from being under 40 millions to nearly 44 millions. Was the present state of the country a circumstance entirely to be overlooked then, with respect to Mr. Horner? We bore in mind that he lived in the system of funding, and that the whole course of society throughout the whole of the last century had been complete. It might just as well quote a man that was alive before the present time, and apply it to transactions in the present place since the flood.

He was desirous of availing himself, as far as possible, of all appearances of censure—particularly with respect to the right hon. Secretary (Mr. Huskisson) who introduced the measure and whose name it bore; and that the country had great satisfaction, that his Majesty had called him to his council, and that he filled the high station filled—but he never could see either he, or any of his colleagues, or any of those gentlemen by whom they were opposed, ever were duly sensible of the nature of the work they were engaged; and that, in consequence of this, they might listen to the suggestions of the hon. member for Port of Spain (Mr. Ricardo), whose conclusion appeared to him to be utterly unsound. Never could he see the hon. member's name without feeling that it was due to his talents, and his character; and, as this observation

self must carry with it an air of presumption, perhaps he might be allowed to state in explanation, that he had sat with the hon. member for weeks on the same Committee, had differed with him on almost every point that had been started, but was so struck with the entire absence of all illiberal imputation, and such a manifest desire on his part of establishing only that which was fair, that somehow it was impossible not to have acquired a facility of communication, even with one so infinitely his superior. But, to believe that he had a clear perception on the subject of money, was utterly impossible. Let the evidence given by the hon. member before the Committees of both Houses of Parliament be looked into. Let the House take his actual expressions in 1819—"This question was of immense importance in principle, but in the manner of bringing it about was trivial, and not deserving half an hour's consideration of the House. The difficulty was only raising the value of the currency 3 per cent. We had nearly got home, and he hoped his right hon. friend would lend them his assistance, to enable them to reach it in safety. He would venture to state that, in a very few weeks, all alarm would be forgotten, and that at the end of the year, we should be all surprised to reflect, that any had ever prevailed at a prospect of a variation of 3 per cent in the value of the circulating medium."—Would any man of tolerable candour rise up and say, that this was the reasoning of a mind sufficiently impressed with the nature of that on which it was deliberating, and of a mind too, so capable of embracing any subject that could be offered?—There was another point on which the hon. member confessed that he was singular in his opinion, and one deserving of notice, from the striking contrast which it seemed to bear to that of Mr. David Hume, from whose *Essays on Money, on Interest, on the Balance of Trade, and on Public Credit*, more information might be derived, than from any other author perhaps that could be named. The point to which he alluded, related to the vast increase in the internal and external commerce of the country, which had taken place in the course of the last thirty years, and which the hon. member for Portarlington maintained "was totally independent of the increased issue of money, and was to be attributed to the improvement of ma-

chinery, and to the industry of our people.' disposed to underrate the ingenuity of the people, under circumstances be fair which that industry. It had been remarked in a speech which he had made, that if any stranger had looked upon the kingdom upon the war, and had returned with the establishment of the peace taken place in the country, it seemed to him like a Agricultural Report of the improvement of the country having been very great at the same time much increased by taxes, and retarded by taxes at the rate of three per cent annually in loans, a rate of seventy millions still, notwithstanding, and in despite of this, increased beyond all. "If we look" said he, "at the permanent improvement made, the bridges which have been made, the roads which have been made, the rivers which have been improved, the canals which have been made, the harbours which have been improved, the docks which have been created, not by the capital and labour of individuals; if we look at the unexampled growth of the country and commerce; the vast augmentation of wealth, defies all illustration with any former period." Here, then, was a very ordinary phenomenon, the accumulation of riches, passing with an unparallelled rapidity, without taxation. Could a similar result be brought about by the intervention of a tax? What was that cause? our law respecting the currency with it? Had the law that law afforded none? "Nothing whatever," said the hon. member for Portarlington, "the medium by which the country has improved itself of the capital ultimately to the improvement of the country." words. We have seen the growth of a capital or of which

of value, been borrowed and expended in the space of the present generation; that was, in the compass of one generation we had anticipated the resources of Heaven knew how many. All which the hon. member for Portarlington told us might happen without any commotion of any kind: the state of our society was not changed; that which we were wont to regard as the more settled part of our inheritance was not deeply affected; and all the difficulty which we now contemplated would, with a little good legislation, soon be "matter of history."—Where was the man that in his heart assented to doctrine like this? And how different was the reasoning of other writers as to the effect of an increased issue of money. "Country Banks," said Mr. Henry Thornton, "have been highly beneficial, by adding, through the issue of their paper, to the productive capital of the country. By this accession our manufactures have unquestionably been very much extended, our foreign trade has enlarged itself, and the landed interest of the country has had its share of the benefit. The guinea spared from circulation" [we had no guineas at all in circulation] "has contributed to bring home the timber which has been used in building, the iron and steel which have been instrumental to the purposes of machinery, and the cotton and wool which the hand of the manufacturer has worked up. The paper has thus given to the country a bonâ-fidè capital, which has been exactly equal to the gold which it has caused to go abroad, and this additional capital has contributed just like any other part of the national stock to give life to industry." Mr. Hume, in his *Essay on Money*, observes, that "the prices of every thing depend on the proportion between commodities and money, and that any considerable alteration in either has the same effect either of heightening or lowering the price. Increase the commodities they become cheaper, increase the money, they rise in their value." Again he says—"suppose a nation always to possess the same stock of coin, but to be continually increasing in its numbers and industry. It is evident, that the price of every commodity must gradually diminish in that kingdom, since it is the proportion between money and any species of goods which fixes their mutual value. Suppose four-fifths of all the money in Great Britain to be annihilated in one night, and the nation to be reduced

to the same condition, with one exception, that it was in the reign of Henry and Edwards, must of all labour and commodities be in proportion? Suppose it were doubled in one night, must not the same effect follow?" Then mark "It is evident, that the same would correct those exorbitancies were they to happen must prevent their happening in the common course of nature, and in all neighbouring nations money nearly proportionable to the industry of each nation." justified in speaking of the proposed act as equivalent to a change in the course of nature? Any cause be admitted, would it be denied?

Amidst the various publications of the day was one eminently deserving notice, from the character of the author, a Speech of the right hon. member of the Board of Trade, delivered in the session, and published late under the title of "Equitable Alteration in the Issue of Money." In this the right hon. gentleman has put forward the idea of an alteration in the issue of money as "a measure warranted in a private light, but which would be synonymous to a plan for dividing the property of widows of a part of their families, for giving orphans of a share of the property of the father, &c. and which, in a public view," he says, "is reproducible by all statesmen and all historians, and is not an antiquated resource, but ignorance and arbitrary power, the last mark of a nation's degradation." Other persons have thought it necessary to use extraordinary vehemence, when speaking of a subject of so complicated nature. In a subsequent passage, the gentleman made a tremor upon the hon. member for having presumed to hint, that the proposed act would be a better standard than the present money. "Most men," he says, "who are exclusively practical men, and not those whom they are pleased to call theorists and political economists, have no other reason than because they are from principles which they cannot controvert, and propositions which they cannot retract." The hon. member for Essex launched into some of the wi-

and drawn his inferences from some of the most extravagant positions which were ever promulgated in this House. As the foundation and groundwork of his plan, he lays down in principle, that the standard of value in every country should be that article which forms the constant and most general food of its population; and therefore it is, that he fixes upon wheat. It follows from this principle, that wheat could not be the standard in Ireland. There, potatoes must be the measure of value. Whoever before heard of a potatoe standard? Now, if it was such an egregious absurdity, why did the late Mr. Horner maintain, in so many words, that "the great paramount standard of all value was corn; the precious metals the practical measure, bread-corn the real measure." That hon. gentleman cut no joke about the potatoe. The late lord Liverpool, too, in his famous Letter to the King on the state of the Coins, observes, in reference to the reign of queen Elizabeth, that "men of knowledge and foresight, became at that time sensible of the diminution of the value of money in general, compared with other commodities, and they began on that account to be convinced, that coins were not a correct measure of property when the value of them was to be estimated at distant periods. It was for this reason that, by the advice of Lord Treasurer Burleigh and sir Thomas Smith, then secretary of state, a method of estimating a portion of the rents of colleges by the value of corn and not of money was first introduced; in order to maintain the revenues of those colleges in a due proportion with the price or value of those necessities of life in successive periods; so that such revenues might at all times be sufficient to answer the wise and laudable purposes for which they were intended." He then states the provisions of the act passed in the 18th year of queen Elizabeth, alleging that he "mentions this fact to shew that the great men of those days were not inattentive to the value of money or coins." To a certain extent then, we might plead also the authority of the late lord Liverpool in our favour. Again he says, that "the errors of all late writers on coins have proceeded from a perusal of the works of Mr. Locke, without observing, that the state of the coins was wholly changed from what it was when he considered the subject. It is probable, that

if this great measure, he would make the change. I principles to the and would have conformity to remembered, the written by Mr. versial Treatise written some years mer. At the alludes to the principles respectively. Prefixed to it Somers, in which forth "principles to alter. The in nature" as they have their are clear; and of their consequences whole of this (ous business will be but at piling this subject doubtful words mislaid and miswere the principles cated? That beyond it as well to the nay, in the re value brought i of affairs, the capable of any count whilst the ing up and is really a falling and reference to cation of But, if tity of place, then in the money; wheat keep quantity, more worth, and why for a greater o fore. For me the standing n ties, men c as if it were a when it has va it is not." "is in this measure to judge things, in any



money is the best measure of the altered value of things in a few years, because its vent is the same and its quantity alters slowly." Whatever objections might be raised against this doctrine; in respect of genuine simplicity of mind and sterling integrity of heart, the name of Mr. Locke may stand against the world.

The truth was, that most of us did not understand the business, and were too much in the habit of taking things upon trust; particularly when we could derive information from sources, the respectability of which could not be doubted. In such cases however, error becomes doubly mischievous. In proof of which he might mention Dr. Copplestone, whose mistakes had been most satisfactorily explained by Mr. James,\* a gentleman who was desirous of being examined before the agricultural committee, and whose Essays on this subject display a depth of research that entitled him to particular consideration. In these he shewed, that Dr. Copplestone had spoken of the pound sterling as being in the year 1527, worth in our present money 1*l.* 7*s.* 6*d.* and in the year 1551, worth 4*s.* 7½*d.* Then we are to be told by the reverend author, that the standard was afterwards raised 400 per cent, and we are to believe it, because we find written on queen Elizabeth's tombstone, "*Moneta in justum valorem reducta.*" Did queen Elizabeth raise the standard of money in the way in which he here represents her to have done? She did no such thing. She trod nearly in the footsteps of Edward the sixth; and how then can we advance such a position? He (Mr. W.) had been particularly struck with the cautious language that the hon. member for Bridgnorth had adopted, in a pamphlet lately published by him, when he said, that he believed that the extravagant prices which had been given for land were such as would have "made our ancestors rise up in their graves, if any thing could induce them to take that step." He seemed to have been afraid of being thought too hypothetical: and he (Mr. W.) would wish to use the same caution with respect to queen Elizabeth. But he

really believed that, if a make her deceased majesty's tomb, it would be the prepliment that we had paid in restoring of the vi Not that she would believe gross even for her. No countenance that she ever had, to administer unction like she was now to walk into it would explain, before she that she was not the fool presented her to be. Often that that old tombstone (beth had been at the bottom and her memory under it been made the instrument of ordinary perversion.

Gentlemen should recollect amendment was moved on the subject of Mr. Peel's Bill, by Mr. Herbert for Taunton (Mr. B) the subject of which was, to alleviate it on the various branches of the public industry. In that hon. member they possessed a man not merely superficial knowledge, but one who was supposed to have had opportunities of judging of the subject beyond any individual that could be named. Did they at that time pay any attention even to him? Not the smallest. At issue was the ratio in which the land and pressure of taxation were to be increased, by the improvement was to be instituted in the land. Amongst those to whom was referred this point for investigation, was any thing like concord? Yes, there was, and on one only; namely, that they had been all mistaken. One gentleman said it was 5 per cent, another 20. Was not this the case? Was this their principle of action? Was it of Mr. Locke, and sometimes of Newton; but the real principle which they acted was no other than the proverb, "Keep moving the stone." Rapid, to "keep moving the stone," a proverb which said "blush, and the head of a man thinks." If ever proverb was verified on any occasion, it was verified in complete ignorance of the consequences that were likely to ensue if we lay on as severe a scourge as might possibly be imposed, without accompanying it with any other consideration than that "things will be as they are."—But, admitting even the truth, what remedy was

\*Mr. Henry James, of Birmingham, the author of "Essays on Money, Exchanges and Political Economy," showing the cause of the Fluctuation in Prices and of the Depreciation in the Value of Property of late years: London, printed for R. Hunter, a. d. 1820.

scribed now? It was now too late, it was said, and nothing can be done. Would the adoption of a silver standard in lieu of that of gold produce no effect? "Not more than five or six per cent and what is that?" Now, five or six per cent could hardly be esteemed a trifling alteration, by those who contend that the whole was not more than a question of ten per cent. But, a proposal of this nature would be discouraged, he feared, from a false regard to parliamentary consistency. There could, however, be no true consistency that was not founded on a steady attention to the public good, under all the various exigencies which time might give birth to. We may have set forth on a principle of right, and have travelled into enormous wrong. This was not a singular opinion; for, in the unreserved intercourse of private life, men hardly ever hesitated to acknowledge it. To have one language for our friends and another for the country, was not the way in which that country should be served. It was a species of double dealing with the country, which was to be reconciled neither with private integrity nor public honour; and, with those feelings bearing strong upon his mind, he would not stop to inquire into the construction that might be placed upon his conduct, but would vote in favour of the committee that had been then proposed by the honourable member for Essex.

Mr. James said, he had not been so fortunate as the hon. member for Norfolk, for he had not read the writings of Mr. Locke and Mr. David Hume, on the subject of currency, &c. He had, however, read the Essays of his namesake (but not relation) Mr. James, and he had also read Mr. Cobbett's "Paper against Gold," and, in his opinion, that eminent public writer had thrown more light on the subject than all the others put together. He thought that government, by changing the currency, had done neither more nor less than aid the Bank of England in committing a gross fraud upon its creditors. Nothing, in his view, could benefit the country, but a rectification of contracts and a large reduction of the national debt. A greater violation of property had never occurred in any country. It was, in fact, a revolution marked by the most atrocious injustice; an injustice greater than any despotic government in the history of the world had before accomplished.

Lord Folkestone commenced his speech

by observing, that moved an adjournment on a conviction, that the friend, the member which demanded the attention of the House which it was proposed, the greatest magnitude productive of much if not provided against actment. He rose to with considerable reason, because it had been that the proposition with regard to the publishing an equitable tracts, might be most before the consideration the shape of an amendment of his hon. friend the country was so little likely to abate, become the duty of the House to exert themselves against the accomplishment and more especially the members of the House been able to bring forward the shape of an amendment ful arguments of his member for Essex, a noble marquis on whom his hon. friend supported.

He was aware that member for Portarlington apprehensions lightly, which his hon. friend not, in his opinion, a question before the fact nothing but an argument. His hon. friend had a probability there was, which had been completely removed; but not told the House he hoped to remove them out the whole of his subject much too light. He did not know whether gentlemen opposite, to the country were entrusted light and superficial view but he would say, that such a view of it, it was regret, that men with to the great interests at such a moment, be management of the His hon. friend, the n

He would admit, that his hon. friend, the member for Portarlington, was right in contending, upon the general principle, that the cost of production would eventually regulate the price of corn in this country, as the cost of production regulated the price in every other article of trade. As a general principle it was a sound one ; but, in its application, it must be viewed with reference to the particular circumstances of the trade or the pursuit. This remunerating price could only be hoped for, out of an accommodation of the supply to the demand. Now, the farmer was burdened with leases and contracts. He had lands prepared, and crops sown ; and he could not, therefore, suddenly decrease the supply which he had been accustomed to furnish. It had been mentioned as a matter of exultation, that corn had recently risen in price. The increase, however, that had lately taken place in farming produce, ought not, in his opinion, to afford any consolation ; as, from the best information he could obtain, it was to be attributed to causes of a temporary nature. There had been an increase of the paper circulation to the extent of two millions and a half, within the last two months. This might have had some effect. Speculations also had been entered into rather largely, from the general impression, some months ago, that war was probable. But, in his judgment, the great cause of the temporary rise of pri-

The motion of his hon. friend for Essex, was for a take into consideration to have been made in the vacancy between the year 17 sent time, and the consequence thereby upon the Money-country derived from its amount of the public debt considered relatively to the of the country; and the changes of the currency upon contracts between individuals the proposal of his hon. friend he meant to move, by way the addition of the following consider further of the expending some remedy for consequences, and, amongst other practicability of establishing Adjustment of Contracts." that a most unjust prejudice forth upon this subject. it was charged against them for an investigation as to the of an Equitable Adjustment contracts, that they sought could only terminate in expense. Indeed, the most and unwarrantable prejudice marshalled and arrayed against them. Notwithstanding we not conceive upon what he assumed, that he who asked for justice, an equitable adjustment meant the direct reverse which he applied for. What for justice, upon what grounds asserted, that he wanted injury he asked for equity, upon what was it asserted, that he wanted and rapine? Prove, after such effects would follow from such adjustment of contracts

plication would be defeated. He, for his part, meant to adhere strictly to these terms, and would for himself say, that he had not the remotest idea of proposing any thing unjust; neither could he think that a measure, having for its object the relief of those who had, without any fault of their own, been despoiled of their property, could be so denominated. He had, early in the session, presented a petition from Mr. Thomson,\* a gentleman who had purchased two estates, with a loss, in one instance, of 18,000*l.*, and in another of 60,000*l.* What was the situation of persons burdened with mortgages and family settlements? By the operation of the act for the resumption of cash payments, they found themselves, in fact, deprived of their estates. He therefore thought, that the injustice was not on the part of those who wished for an equitable adjustment of contracts, but of those who opposed it.

It was again said, that his proposal led the way to revolution. On the contrary, he asserted, that the rejection of it led the way to revolution. In fact, a revolution—far more calamitous than any revolution of the government—a revolution of property, was actually going on in the country. He had said, that a revolution of property was a greater calamity than a revolution of the government; but the one would inevitably involve and lead to the other. Much as he admired every part of that speech of promise, which had been made last night by the noble marquis on the second bench—a speech which had delighted every man who had heard it; a speech not more distinguished for its eloquence than for its profound and statesman-like views: and which reflected the highest honour on the young nobleman who made it—there was no part of it in which he more fully concurred, than the part in which, in reply to this very objection, the noble marquis had said, that there was no revolution more to be deprecated, than that which had been produced by this very bill—a revolution of property. When he reflected upon the talent which had been displayed on the former evening, by the noble marquis, the regret which the present system gave him was enhanced by the reflection, that men like the noble marquis—men who would otherwise be the ornament and

support of their ousted out of their graded from their p  
With the noble m  
what innovation cou  
that which went to  
of the land its pre  
signing them to b  
Who, he would ask  
be affected by such  
perty, than the pec  
what could be more  
the House of Lor  
house of paupers?  
under such circums  
discharge those fun  
constitution, were l  
too, a court of judic  
as a *dernier resort*,  
tions of property v  
would it be fitting  
questions should be  
body who had no pr  
A French gentleman  
as appeared from his  
to England some tin  
pose of studying the  
dicature. He had es  
hereditary aristocracy  
ing advantages to this  
never be realized in F  
law which required  
individual deceased to  
among all his sons.  
in operation went, t  
the hereditary aristo  
try, not less effectua  
lar to that of France w  
therefore repeat, that  
unjust in the measur  
propose, and that it  
most fatal of all revol  
tion of property.

His hon. friend, the  
had made a calculation  
ed, that in consequen  
which had taken place  
country was now payin  
as much as it had be  
time of war. If, ther  
liged to go to war, wou  
sary, if we persevere  
system, to increase our  
to meet the attendant  
The resources of the  
reality, been so impair  
the bill of 1819, that  
of the country had be  
land had been oblig  
the high station which

\* The petition will be found in vol. 8, p. 188 of the present series.



occupied among the nations of Europe. It could not be disguised, that however necessary war might be for the maintenance of our interests and our honour, to war we were unable to go. The powers of the continent knew this; and therefore it was, that that most unjust and atrocious aggression had been made on the liberties of the people of Spain—an aggression which struck at the root of all national independence, but which it was well known this country, from the want of funds, was not in a condition to resist. It was very well for his majesty's ministers to say, that if it were necessary, the country was in a situation to go to war. In his conscience he believed, that we should find it extremely difficult to raise, in the present currency, sufficient supplies for carrying on a war through two campaigns. But, even assuming that we were not at present called upon to enter upon a war, he would maintain, as the noble marquis had so ably done on the former evening, that the present was the moment for satisfying ourselves that we were in the right path, so that we might be prepared for whatever might occur. For that country was in a lamentable condition, which did not hold itself in a state of readiness to act, whenever a war should become necessary to its interests or its honour.

To prove that he and those honourable friends of his who thought as he did, were not proposing any thing unjust, or unwarranted by precedent, the noble lord said he would trouble the House with a few instances which he had collected, in which the principle of an equitable adjustment of contracts had been acknowledged and acted upon. He accordingly quoted an old statute of the parliament of Scotland, in which, after various provisions for securing the currency from fluctuation, a clause was introduced, which enforced the necessity, upon equitable grounds, of adjusting all bonds and contracts to the new standard, upon that and every other alteration effected in the currency by the government of the country. A similar principle had been adopted in France at one period of the revolution, when an immense depreciation of assignats had taken place. Committees were appointed in every department, for the purpose of adjusting all contracts which had been affected by the alteration of the currency. These were regulated, by estimating them according to the pe-

riods when they were made at which they were fixed. If the same principle applied to this country, no difficulties would be presented themselves to the future; since the government, during the depreciated currency, to depreciation, and the great public grievances had legislative enactments and proceedings, which aimed at false principles, and consequences. The noble lord here took the case of Mr. De Yonge, who was prosecuted for charging more than the law allowed, about the time the bill was passed to make the value of rent in depreciated paper equal to the payment of rent in metallic currency. But the principle of an equitable adjustment to a certain degree had been in force during the reign of Charles 2nd. At the great fire of London, in consequence of the immense destruction of property, and 436 acres of land were covered with the ruins of the different claims of landowners were flung into confusion. Accordingly, to adjust the claims, and adjust the rights of property, the act of Charles 2nd was passed, by which a commission was established, composed of judges of the different courts of equity. The commissioners were empowered to determine every claim on claims existing or existing, and make allowances according to equity and justice. This lasted for six years, and was one of the greatest benefits. I say that the number and cases which came before the commission were at all equal to those submitted to the authority of the commission at the present time when he saw that the principle of an equitable adjustment of claims adopted in France on the same principle when he saw that the same principle had been applied in our own country, extensively perhaps, but certainly beneficially—he could not think it improper or absurd to attempt on the part of the government some mode of adjusting the claims, on the principles of

tice.—The noble lord referred to the tables of Mr. Mushet, which had been alluded to by the hon. member for Portarlington, and contended, that they were founded upon erroneous principles. But even if that were not the case, it was no argument against the claims of one class of society, who had been cruelly despoiled by unjust measures, to say, that another class had been robbed also. Nor was the principle of an equitable adjustment of merely modern growth; for it was related by Cæsar in his Commentaries, and the account was confirmed by his historian, Suetonius, that during his wars with Pompey, there fell out such a scarcity of money in Italy, that debtors were actually incapable of settling with their creditors. In consequence of this state of things, commissioners or arbiters were chosen to effect an amicable adjustment between the parties, by settling the proportion of debt which was to be paid by the debtor to the creditor, on account of the change which had taken place in the value of money; and the result of their labours was, a decree for the payment of one-fourth of the original contract. And in a recent “Civil and Constitutional History of Rome,” written by Henry Bankes, esq. the hon. member for Corfe Castle, this circumstance had been spoken of in terms of approbation, as a wise and salutary measure. He therefore trusted that the hon. member for Corfe Castle, would not confine his eulogies to the objects of his historical inquiries, but would lend his aid to induce the House to adopt a similar plan on the present occasion. In France, the principle had been adopted, not only by the Revolutionists, but in the time of Louis 14th, and also during the regency of the duke of Orleans.—The noble lord said, that he considered the country to be at present in a deplorable situation. In his opinion, the distresses of the agricultural part of the community could hardly be exaggerated. He could not anticipate relief for them within any moderate period; and eventually it could only be afforded through a still greater calamity to others, a diminution of human food, if no remedy were applied of the nature which he had suggested: If a scarcity of grain were experienced, it would be much to be deplored, as it would have the effect of driving the English people to imitate the Irish by living upon potatoes. That this was an evil he was convinced, and it

had afforded him confidence that it had been considered in that House. In the noble lord said, that looking at all its branches and branches, to understand the object raised against the act, was about to propose nothing to be done which was and truly equitable. He concluded by moving an motion of his hon. thereto the words:—“Whether of the expedient remedy for the said amongst other things, establishing an Equitable Contracts.”

Mr. Secretary Peel full discussion which had undergone during the last after the repeated discussion previously taken place would be quite unwarrantable to trouble the House with observations, and that he be exceedingly regretted not at once address his considerations which none on this important hon. member for Essex the 12th day of June, should be appointed a number of the most complicated inquiries and ability occupy the attention of men. The hon. member that, at that period a Committee should take consideration the various taken place in the value since 1793, and the by the reformation of the money-income of derived from industry. that, if he were on should not know what “the effects produce come of the country dustry,” nor how that derived from industry distinguished from income other sources. The to consider of the taxes pressing on the but, above all, it was the effects produced by currency on the money country. Now, he possible to consider o

and to come to any decision on them in the course of the present session? They might prolong the session two months if they pleased; but still, to come to any decision on all these questions would be impracticable. He begged to remind those who were favourable to the present motion, that the House had three times, in preceding sessions, decided, that it would not interfere with the measure of 1819. In ordinary cases the decision of the House against a particular motion was not to be considered any bar to the bringing forward of that motion again. But the present was no ordinary case. Individuals had been induced to regulate their concerns by the determination which the House had avowed, and now to take a different course would be to shake all confidence in them throughout the country, and to make the public feel that no dependance could be placed on their resolutions.

Much irrelevant matter had been introduced in the course of the present discussion, but the question, he thought, consisted of two main considerations. First, Did the general interests of the country require a revision of the currency? And secondly, Had individual interests been so injuriously and unjustly affected by the reformation of the currency, that the consideration of those interests, separate and apart from the general interests, imposed upon the House the imperative duty of attempting to effect an equitable adjustment of the contracts which had been made? By the "general interests of the country," he meant all those in which were commonly included, the manufacturing, the commercial, and the agricultural classes. Now, with respect to the manufacturing and commercial interests, was there any thing in the present situation of those interests which required a revision of the currency, and an equitable adjustment of contracts? With respect to the manufacturing interests, it was impossible for the hon. gentlemen opposite not to admit, that all their gloomy predictions of the ruin of those interests had been completely falsified by the event. The fact was, that we were in the habit of taking too desponding a view of the resources of the country. The English were, on all public questions, apt to be too desponding. The English were great Hypochondriacs with regard to their own country. While the condition and capabilities of

England were the wonder of the other nations of Europe, apt to fancy ourselves red of such utter desperation of human talents, and occurrence of events, could give relief. He, however, would not say whether they did not give some indication of the state of our commerce and say whether they did not give the most satisfactory indication of the state of the country. He knew, that, in answer to the observations, it was indeed possible that a gentleman might start up who was connected with a district which was not in the state, with respect to its manufactures. But this narrow view was not the one in which the great country ought to be considered. He wished to take some general view of the state of the country, by comparing the present with the past. With this direct the attention of the year 1817—a period antecedent to the passing of that much abused Act of 1819 [Hear, hear!]. He felt that cheer from the learned gentleman. He knew that the hon. gentleman meant to intimate that the causes were then in operation which were now felt. This he most fully admitted. But where, then, were the evils of the clamour raised against the Act of 1819? Before the passing of the same evils had been felt. He contended, had of necessity been produced by that state of affairs which followed the Bank Restriction Act. To show what the situation of the country had been in 1817, he would refer to the most able speech then made by a most learned member for Wiltshire (Mr. Brougham). To this speech he would refer, as to a valuable resource which then existed in the manufacturing districts. The measure which was used was, that the change in the currency had affected all classes, and had produced the greatest distress. It was his object to show, that the fact, but that great distress prevailed before the Act passed into a law. If he could prove that the labouring classes, connected with commerce and industry, were employed, were comfortably enjoying the honest fruits of industry, he hoped he might

to argue, that in order to relieve those who might still suffer, it would not be wise in the House to tamper with the currency.

On the 13th of March 1817, the hon. and learned member for Winchelsea, at the close of a speech\* on the state of the trade and manufactures of the country, had proposed certain resolutions for the adoption of the House, the first of which was, "That the trade and manufactures of the country are reduced to a state of such unexampled difficulty as demands the most serious attention of this House." In the course of that speech, the hon. and learned member had stated that which fully justified the resolution with which he had concluded. The hon. and learned gentleman had gone through the principal branches of the manufacturing interests: he had pointed to the unfavourable state of the revenue, and the discontents which prevailed; and had asked, if such was the unfortunate condition of the manufacturing classes whether it was possible that the interests of agriculture could flourish? To show the strict relation between the two interests, the hon. and learned gentleman had cited a passage from Mr. Child, which he would take the liberty of reading to the House—"Trade and land are knit each to other, and must wax and wane together; so that it shall never be well with land but trade must feel it, nor ill with trade but land must fall." Following the course which the hon. and learned gentleman had pursued on the occasion to which he alluded, and fortified by such authority, he should proceed to show the contrasted prosperity which the manufacturing classes at present enjoyed, and to convince the House, as he hoped, that such a state of things held out a better and surer prospect of relief, than any that could be afforded by a proposition to tamper with the currency of the country. The hon. and learned gentleman, to show the distress which prevailed in 1817, had referred to the state in which Leeds, Huddersfield, Wakefield, and Halifax then were, where he had found that not fewer than one-third of the whole population were idle, and not more than two men in nine had full employment. At the beginning of the present year, he (Mr. Secretary Peel) had thought it his duty to make inquiries on this subject, and he had accordingly

addressed letters to municipal authorities to furnish the information of them respecting the state of interests in their particular districts, in which the hon. and learned gentleman; would be a fairer course than to tamper with them arbitrarily and as a purpose of his own argument. He began, therefore, with the district of Leeds, in which the hon. and learned gentleman had said, that the calculations which he had made to him, there were on 1,439 in partial work, and 1,439 entirely idle. The acc<sup>t</sup> (Mr. Secretary Peel) had received from the Leeds authorities stated, that, at the close of the present year, the work was well employed, never before, and were never so well with the weavers receiving 25s. a week, and the weavers from 18s. to 20s. The whole population was in a state of tranquillity; that there was no want of buildings; and that the value of which in 1815 amounted to 100,000 pounds, had been brought down to the beginning of 1821, to 80,000 pounds. He had been reduced to 6s. per acre. He made inquiries with respect to the state of that place, though no other branch of industry than the woollen branch of industry there. At Sheffield he found, that in 1820, had amounted to 25,000 pounds; in 1822, to 13,000 pounds. It was estimated that, in 1822, they would only be 13,000 pounds, a reduction of nearly two-thirds. He required also as to the state of the district there; because, if these things were the case, and tenants were to be let without difficulty, it would be ground for believing, that the district was prosperous, and a valuable market for the wool. The number of consumers of the wool was the relief to the growers of the wool. In this inquiry the answer was, that when the last census was taken, in the period of the Bank Restriction operation, there were 1,439 in partial work, and 1,439 entirely idle. At Sheffield untenanted, though buildings had in considerable extent, scarcely

\* See First Series, vol. 35, p. 1004.



was unoccupied.—In Halifax, in answer to the same queries, he found that the labouring classes were employed and generally well off. The poor-rates had been greatly and gradually diminished, and a large increase had been made in the number of houses, which were let, at from seven to eight pounds a year.

So much for the clothing districts of the country. And thus far the House, he thought, would admit, that the confident assertions with which he had commenced his speech had been amply borne out by the facts he had stated. The hon. and learned member for Winchelsea had next selected Birmingham, as furnishing a fair specimen of the depressed state of the iron trade at that time. He had stated—and very truly no doubt—that, in 1817, out of a population of 84,000 souls, about 27,000 received parish relief; that out of the work people, one third were wholly out of employ, and the rest were at half-work; and that the poor-rates had risen to between fifty and sixty thousand pounds a-year, a sum exceeding what the inhabitants paid to the income tax. Now, in answer to the inquiries which he (Mr. Secretary Peel) had made, he had the happiness to learn, that the whole body of the working classes were well employed; that there were no complaints, no appearance of disloyalty; and that in the single parish of Birmingham, which was only a small part of the town, 425 new houses had been recently erected. The poor-rates, which, in 1817, had amounted to between 50 and 60,000*l.*, were in 1820, 52,000*l.*; in 1821, 47,000*l.*; in 1822, only 20,000*l.*; having been reduced, in the course of two years, more than 30,000*l.* Were not these facts, which proved that a favourable change had taken place in the state of our commerce and manufactures?

He came next to that most important district which comprehended Manchester and its immediate neighbourhood; of which the hon. and learned member for Winchelsea had in his speech, in 1817, drawn a most melancholy picture; but he regretted to say, not more melancholy than correct. The hon. and learned gentleman had been at great pains to ascertain the average rate of wages per week of a thousand weavers, of all ages and classes. During the period of the restricted currency act, it appeared, from that calculation, that in 1800 the rate of wages was 13*s.* 3*d.* a week; that in 1802

it was 13*s.* 10*d.* a week; that in 1812 it had fallen to 6*s.* 4*d.* a week; in 1816 to 5*s.* 2*d.* a week; and that in January 1817, wages had reached the fearful point of depression, of 4*s.* 3½*d.*; from which, when the usual expenses paid by the work people for the loom were deducted, there remained no more than 3*s.* 3*d.* to support human life for seven days. Well might the hon. and learned member have paused over this scene of misery, and felt impelled to demand, how it was possible to sustain existence in such circumstances! And well might he have been appalled when he received the painful answer, that “those miserable beings could barely purchase, with their hard and scanty earnings, half a pound of oatmeal daily, which, mixed with a little salt and water, constituted their whole food!” “These wretched creatures,” said the hon. and learned gentleman, “are compelled first to part, for their sustenance, with all their trifling property, piecemeal, from the little furniture of their cottages to the very bedding and clothes that used to cover them from the weather. They struggle on with hunger, and go to sleep at night-fall, upon the calculation, that, if they worked an hour or two later, they might indeed earn three half-pence more, one of which must be paid for a candle, but then the clear gain of a penny would be too dearly bought, and leave them less able to work the next day.” Such was the condition of the cotton weaver in January 1817. He did not state these things for the purpose of exciting painful sensations, or of reviving unpleasant allusions. He only introduced the mention of that disastrous period, for the purpose of drawing a contrast between the state of the manufacturing interests at that period and at the present moment. He called upon the House to look on that picture, and on the one which he had now to present to their view. The cotton trade in Manchester was now carried on to a greater extent than had ever before been known. The profits of the masters, it was true, were not large; but all classes were comfortable. The number of buildings erecting there were greater than at any former time. The people were tranquil, and workmen, instead of receiving, as in 1816, 4*s.* 3½*d.* a week, and in 1817, 3*s.* 3*d.* a week, were now paid as follows:—fine spinners—the House would pardon him for entering into these homely details—fine spinners at present earned 30*s.* a

be fair that the settled contracts should not be adjusted as well as those which remained unsettled; for that would be withholding from the man who had faithfully performed his engagements, a relief which was extended to him who had failed in them. What confidence could the public place in the government or in parliament if such changes were attempted? The noble lord had stated one instance of ruin which had befallen a gentleman who had purchased land; but the noble lord had not stated what part of his friend's loss was to be attributed to improvident speculation, and what part to the change of the currency. If improvident speculations were to be the subject of equitable adjustment, why should the noble lord limit that adjustment to speculators in land? Why not extend it equally to every commodity? The year 1812 had been distinguished for bad speculations; and, if they were to go into all such cases, they would assuredly have enough to do. It really was a pretty summer amusement which the hon. member had cut out for them, when he had proposed to them, on the 11th of June, to revise all contracts that had taken place since 1793. The House having determined, once in the year 1821, and twice in the last session, that it would not enter upon any such inquiry, how could they now with propriety assent to it?—The noble marquis had stated on a former evening, that we were in such a state, from the effects of the measure of 1819, that we were unable to go to war. That position had not been proved; and he should be glad to learn, what a change in the currency or an equitable adjustment of contracts could do towards furnishing the means of prosecuting a war with success. He could not, indeed, understand the object of the motion, unless it was to increase the amount of the paper in circulation; and he never would consent to go into a committee, for the purpose of removing the check to that abuse which at present existed. From a view, therefore, of the improved condition of the manufacturing districts—from a confidence that that improved condition was intimately connected with the prosperity of the agricultural interests—from a conviction of the incompetency of that House to rectify and adjust the one ten-thousandth part of the contracts which had been entered into since the year 1793—in short, from all the reasons which had been explained, as well as from those

which had been unfeeling it his duty to give negative to the proposition for Essex.

Mr. Bennet said, noticing, in the first instance of the right hon. member, the time which the proposition occupied, if it were a measure which, to his mind, was to be used. It was possible that the affairs of the country would sit a parliament well recollected, crime was to be perpetrated and fraud and perjury and conspiracy to ruin an amendment passed a whole day, giving the most disgusting question ever submitted. It was surely, then, a waste of time to hear from the very gentleman who so occupied the time. An objection raised, that the state of the season was an objection to the most important justice and right that had its investigation.

He confessed he did not see very clearly out of this, but which the rashness of the government and the obsequiousness of parliament placed the country in. I was for the inquiry, that it was an injustice and wrong manifest to the world; that it was a public odium the authorities might, of the measure, and preventing by the petition of the same measure which began by plunder and which ended by depredation on the debtors. The case was so clear, that he understood it. The necessities and luxuries of paper, and fell with the value. In February 1815, the value of notes of 5*l.* and upwards was 17,666,190*l.*; in the same year they were as low as 1818, they rose to 19,000,000*l.* that period the amount of country Bank notes and in 1823, it was 19,000,000*l.* amount of country Bank notes in 1814, was 7,348,282*l.*; in 1818 it was 4,652,564*l.*; in 1818 it was 4,652,564*l.* and in 1820 it was 4,652,564*l.* same operation took place in Scotland. One-third of

Much of this land, of course, would have remained uncultivated, but for the high price which provisions bore; and, as a considerable part of it was poor and barren soil, on the return of peace it was no wonder that these lands were not found as valuable as when they were first brought into cultivation. In the enumeration of these causes, the effect of the victories over Buonaparte should also not be omitted. At one period, such was the excitement created by the prospect of peace alone, that that flour, which had been so high as 100s. per sack, fell to 65s., and that wheat, which had been 120s. fell to 76s. the quarter. There was, therefore, a variety of causes to which the agricultural distress might be attributed, besides the bill of 1819; and he would add, that no change, which a deviation from that measure could now effect, could compensate for the risk which would be thereby incurred.

With respect to the argument of the noble lord who had last spoken, that the standard value of an ounce of gold should have been fixed at 4*l.* 1*s.* instead of 3*l.* 17*s.* 10½*d.*, he must remind the noble lord, that the difference which this alteration could have effected, would not have been more than three or four per cent. How, then, could such an alteration have essentially benefitted the agricultural interests, seeing that the proprietors of land complained of a depreciation to the extent of 50 per cent? If so, he would ask, whether it was worth while, for the sake of three or four per cent, again to disturb the state of the currency; and whether such a change could restore the agriculturists to prosperity? Upon the whole, he would contend, that neither the manufacturing nor the agricultural classes had been injured by the return to a metallic currency.

He should now apply himself to the only other point which it was necessary for him to notice; namely, whether the general interests of the country demanded an interference with all existing contracts. He entertained the same opinion now which he had done in 1819, and thought, that the addition to the burthens of the country, which the measure of that year had occasioned, had been amply compensated by the advantages which had resulted from it. The noble lord opposite had asked, what objection could there possibly be to an equitable adjustment of contracts—a proposition which

was in itself so fair and so answer was, simply, that it was impracticable. And the noble lord, in return, discover who were the debtors, who were the creditors, when they were constantly changing; he called upon to produce deeds; for one man might contract ten days ago, and ten years. Then, again, he called upon to discover and arrange periods of depreciation. Various sums were borrowed for? "But," said the noble lord, "I borrowed money and a note was worth only 13*s.* upon to pay it back when it was due. True. But the noble lord forget, that there were periods when the pound note was worth more and sometimes even more. How, then, was the party to be fixed, at which the adjustment was to be made? What standard was to take by which to measure depreciation?

It appeared, then, on the part of the gentlemen opposite that the depression had been caused by the bill of 1819, but by the depreciation of the currency, and other causes consequent upon the peace. The contracts entered into in the period ought, according to the noble lord, to be set aside, and placed upon a footing as those which had been entered into since the passing of the bill. The number of these contracts, the noble lord opposite said, were very great. How did the noble lord receive the opinion of his noble friend (the marquis of Titchfield), who during the last two years, had proposed a complete revolution in the currency? Such a complete revolution could only have been effected by the means of numerous contracts, therefore, must be made together, and be regarded like numbers in an equation, and go for nothing. The hon. member for Essex, who proposed only to attack the bill of 1819, now recommended the amendment of every contract since 1819, now recommended the hon. member consider how the currency which had been established at that period must affect the contracts of various individuals.

be fair that the settled contracts should not be adjusted as well as those which remained unsettled; for that would be withholding from the man who had faithfully performed his engagements, a relief which was extended to him who had failed in them. What confidence could the public place in the government or in parliament if such changes were attempted? The noble lord had stated one instance of ruin which had befallen a gentleman who had purchased land; but the noble lord had not stated what part of his friend's loss was to be attributed to improvident speculation, and what part to the change of the currency. If improvident speculations were to be the subject of equitable adjustment, why should the noble lord limit that adjustment to speculators in land? Why not extend it equally to every commodity? The year 1812 had been distinguished for bad speculations; and, if they were to go into all such cases, they would assuredly have enough to do. It really was a pretty summer amusement which the hon. member had cut out for them, when he had proposed to them, on the 11th of June, to revise all contracts that had taken place since 1793. The House having determined, once in the year 1821, and twice in the last session, that it would not enter upon any such inquiry, how could they now with propriety assent to it?—The noble marquis had stated on a former evening, that we were in such a state, from the effects of the measure of 1819, that we were unable to go to war. That position had not been proved; and he should be glad to learn, what a change in the currency or an equitable adjustment of contracts could do towards furnishing the means of prosecuting a war with success. He could not, indeed, understand the object of the motion, unless it was to increase the amount of the paper in circulation; and he never would consent to go into a committee, for the purpose of removing the check to that abuse which at present existed. From a view, therefore, of the improved condition of the manufacturing districts—from a confidence that that improved condition was intimately connected with the prosperity of the agricultural interests—from a conviction of the incompetency of that House to rectify and adjust the one ten-thousandth part of the contracts which had been entered into since the year 1793—in short, from all the reasons which had been explained, as well as from those

which had been unfeel it his duty to give negative to the proposition member for Essex.

Mr. Bennet said, noticing, in the first tion of the right hon. the time which the proposition occupy, if it were a ment which, to his mind to be used. It was possible. If the affairs of the country parliament would sit a He well recollected, crime was to be perpetrated and perjury and conspired to ruin an ment passed a whole gating the most disgusting question ever submitted. It was surely, then, a hear from the very ground so occupied the time objection raised, that the state of the session tion to the most imp justice and right that its investigation.

He confessed he did very clearly out of the which the rashness and the obsequiousness had placed the country. He for the inquiry, that injustice and wrong manifest to the world; the public odium the authorities might, of the means of, and preventing by the petition of the same session which began by plunder and which ended by depredation on the debt the case was so clear, understand it. The necessities and luxuries of paper, and fell with the In February 1815, the notes of 5*l.* and upwards 17,666,190*l.*; in the same they were as low as 1818, they rose to 19 that period the amount and in 1823, it was 1 amount of country Bank in 1814, was 7,348,282 4,652,564*l.*; in 1818 it and in 1820 it was the same operation took place Scotland. One-third of



circulation was withdrawn in 1816; the notes were again issued and again withdrawn. Mr. Lloyd, in his evidence before the bullion committee, states, that the circulation of the country was at its highest in 1813 and 1814, but was reduced in 1815 and 1817 nearly one half. In the early part of 1816, the government took the alarm at the rapid depreciation of property which had followed the steps taken by the Bank to resume cash payments; and accordingly negotiations were entered into with the Bank, for an advance in the nature of a loan. The loan was of seven millions. The issue of the notes preceded the advance of prices; as well as the subsequent diminution of notes, in 1819, preceded the fall of prices. The country bankers were not slow in following the example of the Bank of England, and extended likewise their issue of paper. The result was, a general augmentation in the money value of all goods—not of one only, for a year of comparative scarcity, might have occasioned its rise, but *of all commodities*. Colonial produce, articles of home growth, timber, wool, cattle, even vegetables in Covent Garden market. All this rise lasted through 1818. In 1818, Mr. Tooke informed a committee of the House of Commons, that he found great difficulty in getting shipping. Wheat averaged 84s. a quarter; last year, 1822, 43s. a quarter; Iron 13l. a ton; in 1822, 8l. a ton. Cotton in 1818, 1s. a pound, in 1822, 6d. a pound. Wool in 1818, 2s. 1d. a pound, in 1822, 1s. 1d. a pound. Thirty articles specified by Mr. Tooke have fallen, in 1822, from 40 to 50 per cent lower than they were in 1818. Mr. Marryat specified three ships, the value of which in 1818 was 14,600l. but which, in 1820, were sold at 7,750l. Thus it was evident, that the price of all commodities had followed the change in the circulating medium of the country. When that was reduced in 1816, the prices fell; when again it was augmented in 1817 and 1818, they rose; and when a reduction once more took place in 1818 and 1819, it was followed by that fall of the monied value of all commodities, the result of which was the beggary and ruin of all classes of the state, excepting those who lived upon fixed incomes, or whose property arose from the taxes levied upon the people.

The right hon. Secretary had attempted to show, that the poor-rates had, in the last year, been diminished; and he thence

argued, that the situation had been improved. The true, lessened in amount were in 1817 and 1818; by contrast the real value of in 1813, when the circulation was at its highest, with 1822, and it would be four paid in the last year had gr In 1813, the poor-rates 6,294,584l. or in quarters money of that period 1, 1822, the poor-rates were or in quarters of wheat 2,4 if the crimes committed bore any connexion with or wealth, comfort or might be seen, that in the latter number of persons had been than in 1813.

The hon. member said, to be misunderstood. He to a paper currency. It to take steps to return to standard; but it was equivalent to what was the relative two monies—the one resting on a paper currency, the other on a paper currency. That estimate ought to have been by a laborious, extensive, investigation of the different of the two descriptions. Upon a scale so formed, to have opened and the over the whole community government resisted all imposed all inquiry, or when it, as in the case of the Agriculture, they took care to conceal and mystify the whole question that cause alone, namely which of itself had shaken the country to its foundation at all was undertaken—it mentioned. In 1816, a select committee was moved for by the late “to inquire into the expediency of restoring the Cash payments and the safest and most means of effecting it.”\* A gentleman opposite (Mr. Huskisson) so learned and positive upon the subject, opposed it, and the numbers were Ayes 73, Noes 146. His right hon. friend (Mr. Huskisson) made a motion somewhat similar, which was, as usual, negatived, Ayes 164. So that whatever call

\* See First Series, vol. x.

fallen the country, all the ruin, beggary, and want, which have been the lot of thousands, have been caused by the confidence which the parliament had thought fit to give to the government, who rushed headlong down the precipice, refusing to listen to reason, to be informed, or to inquire. It was to this mischievous principle of confidence in any government, that all the calamities connected with the question of currency were to be traced. The House of Commons confided in Mr. Pitt and plundered the public creditor—they confided in the statements of the present government, and had plundered not only the public debtor, but had confiscated, to the benefit of the creditor, the property of all the private debtors of the kingdom. Nor was this all. By the act in question, the amount of public taxes had been added to, from 40 to 50 per cent; and at the present moment, notwithstanding the repeal of so many taxes, more money was raised from the subject than at the most expensive period of the late war. Now we, the public and private debtors, demand justice. It is nothing to us, to say, because, from 1798 to 1814, the public creditor was a loser, that therefore we the debtors are to be plundered in our turn from 1812 to 1823. If we had indeed been the gainers during that period, and that those who made the profit were called upon to refund, no one would object. But that was not the case; and never was a more crying and iniquitous act of pillage and robbery committed, than that which was now going on. That the property of all that vast class of persons who having contracted debts, bought estates, made settlements, borrowed on mortgages, embarked in the endless range of commercial and landed speculation, which in this country has taken place for nearly a quarter of a century in one species of currency, should now be called upon to compleat those engagements in another, was a robbery and confiscation of property hitherto unknown. It was an act without a parallel. It had nothing human in it, except its presumption. It resembled more a judgment of Providence, than an act of feeble and fallible man.

This, then, was now the state of England. And never did any government, in the wantonness of its power, or any conqueror from thirst of gain, or plunder, or hatred, or revenge, ever cause similar calamities to fall upon such vast bodies of

mankind! This was a warning upon the people how in chance it came. But, if the calamity was greater in Ireland had been beggared, not by a legal enactment governed and ill-fated quite sure, that to the currency in the first extraordinary elevation were to be ascribed, the distress and misery of that unfortunate country was the real cause. This was the real cause which ought to ascribe the calamity which existed in Ireland to the principles of that a whole population in a state of distress and their country produce may, more than an abundance of life, and purchased at a cheap price. This, however, was the opinion of the people of Ireland sent was here expressed the ministerial side of the hon. member might share the pleasure, but he (Mr. B) was too fully to establish his statement. By the time had been laid on their table, the distresses for rent had reached an alarming degree. In a statement had been stated, that in some persons had been turned out of their habitations pulled down [he called upon the House] whether this was a state which could be remedied by an act, or any other coercive measure parliament could devise that the situation of Ireland compared in the rest of Europe of the country was let at low rents, with the tenants; the last, the potatoe ground.

The hon. member in detail of the manner in which the rents for old rents with the new per rents with metallic money had been the cause of the property belonging to the proprietors in Ireland. The misery of last year were not only by deficiency of crop, but by the fall of the stock of the peasantry

rent to such an extent, that there were no prices for them—4s. for a cow, 1s. 3d. for a sheep, wheat 5s. per bushel, potatoes 1s. 6d. per hundred weight; and yet in that very town, all in it and around were perishing for want. There was famine without a dearth; people perishing of hunger, and no deficiency of food; farmers destroyed for want of a market; people starved for want of the means of purchase. It was a humbug to say, that in England the calamity we now suffered had been caused by over-production, and in Ireland, that the same distress was caused by a dearth. The evil had one common source, namely, engagements, contracts, debts, made in one currency, payments called for and enforced in another.

Now, the question submitted to them that night was—granted the distress (and who could deny its existence?)—what was parliament to do? “Let things remain as they are,” say the government, “do nothing, let the agriculturists and all those who live from the produce of land abate the storm as they may—it is their turn to be robbed now—the distress though great, will pass away.” He (Mr. Bennet) would not adopt that course. The wealth and property of the country might stand the shock; but, if the present prices were to continue—and, with the metallic currency, he saw no means of raising them permanently—that great body of men, called the agricultural interest, were robbed of half their property, and a system of confiscation was legalized, unparalleled in the history of the world. For himself, he would be no party to that transaction. He called for inquiry, to see if an equitable adjustment might not take place, and the burthen be more fairly distributed; and he demanded the inquiry from the wisdom and justice of parliament.

Mr. *Huskisson* said, he felt it necessary to trouble the House with a few words, in defence of the course which he had taken upon this subject, during the many discussions which it had undergone in former sessions. He could not help observing in the outset, that he had entertained a wish and a hope, that the hon. member for Essex, following the example of the hon. baronet, the member for Somersetshire (sir T. Lethbridge), and yielding to the reasons which had swayed that hon. baronet, would have withdrawn his motion, upon finding the altered state

of the interests, whose tended more immediately he was the more impressed and that hope, from the we had been acting for twelve months under a re and from a conviction re knowledge, that any att our steps must be produ multiplied, if not endless assured the House that have trespassed upon th that late hour, were it been so frequently and sed to by several hon. me whom was the hon. memb of Norfolk. The noble lo of Titchfield) had observ inquiry was entered into ed, the aristocracy of th inevitably be ruined, tor ternal estates, and red miserable existence in Such was the highly-c drawn by his noble frier happy in being able to s not only highly-coloured, and entirely overdrawn. which had been adduce friend to shew the nece was, that, so long as the the currency continued, we continue to be so cr unable to go to war. No be made to believe, that the slightest foundation his noble friend, the evil a nature, that he should seek out a remedy at whate ther topic which had been the universal distress throughout all classes. And, as a proof of this ur the hon. member for Shre just sat down, had adduc the poor-rates. He had sums paid for these rates: sums paid in the year 18 gued that, by the increa of money, the rate was at what it was at the forme the hon. member should there had been an increas tion since the year 1813 to two millions: and that the not to be matter of surpr rates should have been au however, was at issue with ber as to the accuracy of on this head, although he

stop to discuss it. But, supposing the hon. member to be correct, was not the increase in the value of money to which he had alluded, applicable also to rents? The hon. member for Shrewsbury had also asked, whether it was natural to suppose that the people of Ireland should starve in the midst of abundance? He answered, no. But he answered also, that the distresses of the Irish population last year had been solely attributable to the failure of the potatoe-crop, the food upon which the lower classes of the people of that country chiefly subsisted. In proof of the correctness of his argument, he had only to state, that, in the present year, there was no difficulty in that country of maintaining its population, although the currency was now the same as it was at the period when the hon. member asserted the distress to be attributable to that cause.

It had been urged, that every attempt at inquiry into the depreciation of the currency had been resisted by the government of the day. But, how was such an inquiry to be set about? Before they entered upon it, they must first agree as to what was the standard by which this depreciation was to be measured; and next would come the inquiry, as to the period at which the depreciation commenced, and the degree to which it extended. If he understood the nature of depreciation in a gold currency, it meant a reduction in the weight and fineness of the metal. It had been said, that the depreciation commenced in the year 1793. But what ground was there for that assertion? Certainly none, with reference to the weight and fineness of the metal. From 1793 to 1797 scarcely any alteration had taken place; nor indeed up to 1808. But from 1808 to 1814 he admitted that there had been a considerable departure from that standard.—And here he came to the argument of the hon. member for Norfolk, who had stated, that his standard of value was the price of corn. This, however, he would contend, was a fluctuating and uncertain standard, and could not be depended upon. The hon. member for Norfolk had referred to some opinions which he, (Mr. H.) had given, in 1815, in which that hon. member supposed there was some inconsistency with those which he (Mr. H.) now maintained, as to the price at which corn could be grown in this country; but he would contend, that the experience of the last two years, during which it was urged, that the farmers

had not had a remuneration for his opinion. He said, that corn could not now be tried so cheap as it had been.

The right hon. gentleman reverted to what had fallen from the marquis opposite, with respect to holders and land-owners. He said, that unless relief was given to the land-owners, the land must change masters. He said, that he had ever, felt much relieved by the proposed change—though as a great landlord, the rents of land had fallen 1 year, from 25 to 30 per cent. He recollected that the rents of the whole of the lands in Ireland, had been previously to the present year, their former rents. And he had relieved his mind by seeing the whole of the rents of the landlords swept away; and he was persuaded, that persons who were without encumbrances, and who were withstanding the reduction of their rents, in a better condition than those who had employed their money in other ways. He admitted, that the rents were sustained by those who were not the owners of whose properties were let, but over which they had no control, also by persons who had mortgaged their estate in order to purchase, and for their misfortunes there was no remedy. The parties were bound to abide the consequences of a speculation.

Adverting to the charge which had been made, that there had been inconsistency in his conduct, he said, that he advocated certain measures, because he conceived them to be the best to be adopted, but because he considered them to be preferable to others that were proposed. He said, that he would pose a man had, during the revolution, expressed a wish to see despotism established in Ireland, and lawless institutions then to be fair to turn round upon him, and he objected to the military rule of Napoleon, and say, "What fault? This is the very system which you support on every occasion."—But, it was to suppose that the lands could become barren under the circumstances which had been stated, was to suppose that the farmer was his friend.



The Marquis of *Titchfield* denied, that he had made any such statement.

Mr. *Huskisson* said, he had certainly understood his noble friend to have stated, that all rents would disappear. His noble friend had undoubtedly dwelt upon the impoverishment of the aristocracy; but, it was impossible to suppose that the incumbrances could absorb all the rental of the nobility and gentry of the country. His noble friend did not appear very sanguine as to the practicability of an equitable adjustment. He (Mr. H.) would not fatigue the House by going into any detail, to show the utter impracticability of such an adjustment. Was there a man living who could imagine for a moment, that the complicated transactions of thirty years were capable of undergoing such an adjustment? The House had heard a little the other evening, about the court of Chancery. But, if the principle of an equitable adjustment were to be acted upon, it would be necessary to have more courts of Chancery throughout the kingdom than public-houses; and even then, it would be impossible to dispose of all the cases in the space of thirty years. But, his noble friend, abandoning the notion of an equitable adjustment, had spoken of reducing the currency, as if that would be a measure of relief. His noble friend did not seem to be aware, that the effect of such a course would be to throw things into that state of confusion which he was most anxious to avoid; and besides being in principle a violation of all right, that it would ruin all credit and confidence. There was now a rise in the value of the commodities of the country. But, if the principle of the gentlemen opposite were to be acted on, there ought to be a standing committee of that House, to regulate the fluctuations and variations of prices. The hon. member for Taunton had stated, that the fall in the value of the precious metals was not only affected by banking operations in our own country, but by the paper issues of America, Austria, Denmark, and Russia. So that if the principle of the hon. member for Essex were once admitted, it followed, that we were at the mercy of those powers, so far as regarded our standard of value. America had only to make an issue of paper, by which the value of money would be lowered, and then we must have a committee, in order to fix what the value of money was. This was contrary to every principle laid down

by the late lord Liverpool. Other writer on the subject contrary to every statute previous to the time of Elizabeth, when it was that the standard of a coin ought to be immutable; and he did not, as he had been of a comparison of one with the other, but in the quantity of the coin of the country.—to say, that the pay of the army was increased in consequence of the depreciation of money. He held that such was the principal advance had been made; in the very first year of the 1819 act. He was disposed to say to his noble friend, that the silver for gold as a standard perhaps ought to have been 1819. As to the hon. member's quotation from the principle advanced by the act, the standard being once fixed, it was to be altered, was a just and a principle which parliament served in all its enactments on the subject.

Notwithstanding all that had been said of the act of 1819, it was ascribed as so great a calamity, that his hon. friend (Mr. Peel) had proved, that it had had no effect to do with the recent rise in prices; for which many had assigned; but that was among the number. So that, in making alterations, it had, the expression, shut the door to future alteration. It was true, that had taken place, but he was of opinion that the country had witnessed the same. A rise in the price of corn had ledged to have taken place also a rise in the article of wheat, and every article of agriculture. Prices were justifying themselves.—His hon. friend charged him with inconsistency, to the time of king William the Fourth, he denied. There was a clipped currency. Its principle had been similar to the one of our day. There was at the same time the same impatience, the same relief; but there was still the same firmness, to resist money to the one now proposed. He said, that the taxes had been raised on the clipped money. But

with us in the depreciated currency. It was a great mistake to suppose that the country was crippled and unable to put forth her energies in case of war. He would maintain, that there were greater resources in the taxes which had been taken off since the war, than there were in all Europe beside. When his noble friend urged that the country was in a condition to meet the enemy, if her honour were insulted, and her rights invaded, he would answer, that five-and-twenty millions of taxes had been remitted, and that the people of England would cheerfully submit to their re-imposition, whenever our interest or our honour might render it expedient. The debate on the present occasion had been a long one. He did not regret its protraction. The hon. members opposite had, in the course of their speeches, thrown new lights upon the subject. They had, if he might use the expression, given a new burner to the beacon, to warn the parliament of England of the dangers of altering their currency. If the House were to consent to go into a committee, the notion would become prevalent, that the currency of the country was again to be tampered with; and to prevent any such supposition would be one reason among many, which would induce him to resist the present ill-timed motion.

Mr. *Monck* rose amid cries of "question." He contended that the right hon. gentleman who had just sat down was mistaken in measuring the depreciation by gold as compared with paper; since it was allowed that gold itself had varied materially, and was at one time reduced so low, as to command only one quarter of wheat for one ounce of gold; whereas, in all other times, one ounce of gold had commanded two quarters of wheat.

Mr. *Attwood* said, that the justice of the measures proposed by the present motion, and the necessity for their adoption, had been already explained with so much more weight, and greater ability, than he could lay claim to, that he should endeavour to occupy the attention of the House but shortly, and should confine his observations to those topics on which the question mainly depended. He had heard no adequate reply given, nor, as he thought, even attempted to be given, to the principal arguments adduced in support of the motion. The right hon. gentleman who spoke last appeared to him to admit the most material pro-

positions on which the right hon. Secretary whom it had been opposed to themselves with detail, a great part of which material, whether admitted or not, indeed, the right hon. gentleman had communicated to the House in the present state of his own mind, and informed them, that he would now hold now, the same position as he had maintained in 1845. It was perhaps to be looked for, regarding, as it did, a measure which he had hitherto supported, and to which he had having supported at other times, numerous resolutions of the House. His opinions having undergone great changes, it might be expected for the House to know his present opinion. He now endeavoured to stand upon; though it might be said that what too much to expect of him, and that his opinion would be ascribed to him.

But he should proceed to the consideration of the principal and the indisputable facts, which the present motion was founded upon. The first of these measures four were these; that they proposed a change in the monetary standard; that changes had been accomplished, which were corrective or remedial, calculated, or tending to remove wrong, disorder, and confusion; that changes necessarily caused by the conversion of pecuniary contracts into all the debts of the State. The depreciation of the late war, it was to be never to be lost sight of. This question, was a question which was settled by law. The law of that time, was that which was effectively the legal standard of the realm, as their present law was now a legal standard; and the kingdom had been without a legal standard of value. It was that no one would be able to say that a law which was the value of a standard had been abolished, and in universal law did not provide for the conversion of debts at the same time, have, of necessity, these two causes: it had been adopted in ignorance.

And first he should state what was the opinion of the right honourable President of the Board of Trade, an individual, who, as he had been one of the earliest to establish the fact of the existence of depreciation during the war; so he was one of those who had gone the furthest in his estimate of the extent to which alterations in the value of money had been carried. The estimate of the right hon. gentleman to which he should refer, would be found in a speech delivered in the last session of parliament; and which, as it had been printed and circulated by himself, might be presumed to contain his considered and advised opinions. In that pamphlet, the advance which had taken place in the price of agricultural produce during the war, was examined and ascribed to three causes. One of these was, depreciation in the value of money; another was, what in the peculiar system of the right hon. gentleman, was denominated a diminution in the value of money, as distinguished from depreciation; both of those causes of high prices springing out of the Restriction act, and both, of necessity, ceasing with it. But there still remained, according to this system, a third cause of high prices, and that was speculation; not, as it appeared, that ordinary description of speculation which

He was well aware gentleman had maintained to this full extent that that it was only as far raised by what he distinguished of money; thus far, that those who contracts by the rise or in other words, by increased value of money injured; and that, affected in their contraction of the value of money alteration from speculation just occasion of compensation redress. But even on subject, not that on which was occupied, he would the real question was not, having abandoned the idea of substitute a cheaper method to what extent did it do? Did the government of the States still existing in the United States? Did they in this cheapening of debts and impose tax on pensions in this debasement of those pensions proper? Did they adjust to their own salaries? If the salaries of those most important and

he well knew that in those offices salaries had not been increased; avarice was rarely the failing of those who grasped at those offices; but he spoke of the salaries generally of the servants of government in all departments. All these had been raised and adjusted to the cheap value of money. Did the right hon. President of the Board of Trade evince then any of that alarm respecting equitable adjustment, which now appeared to have taken possession of his mind to so great a degree, as that he seemed to consider that something of danger or reproach lurked in the very term? Nothing of this appeared. None of these refined distinctions, between depreciation, diminution, and speculation, were then brought forward to appease the claims of those, who, in consequence of the advance of prices, demanded increased pay. The work of equitable adjustment, whilst the servants of government could gain by equitable adjustment, never ceased: it was in perpetual operation. Fresh issues of money were scarcely thrown from time to time into circulation, the price of wheat had scarcely advanced in Mark Lane, before demands were heard of in that House, to increase some salary and adjust to this new standard the pay of some or other of the servants of the State. Not a word was then heard of those subtle arguments, by which a part only of the advance of prices was referred to depreciation, and the rest to diminution and depreciation. To the full extent of the advance of prices however occasioned, and of the fall in the value of money however denominated, were pay and pension, advanced or fixed. To so great an extent did this passion for equitable adjustment then proceed, that, as it had appeared by papers presented in the last session, a return had been made to government at one time, of the price of the quartern loaf at no less a distance than in the empire of the Brazils, in order that the pay of some minister or other might be advanced, and receive its equitable adjustment on the basis of that standard; and he well remembered that he had taken an opportunity to express his humble desire, that when the reign of paper money should cease in that new empire, and the quartern loaf again fall to its old rate, this salary might be reduced also, as justice required, and receive its re-adjustment. And, whilst the government was thus occupied in apportion-

ing taxes, expense to the cheap money deduced; what were, transactions of the not form their contrivance? Was it not that they fixed rents, tracted debts? If all and the government stances, had raised again, and without debts, contracts, salaries; then were collecting taxes, by any rightful law distributing those to those who were receiving justice; to the full alterations however value of money had introduced fraud, in every description of

But, to return to what the extent was, ations had been carried all parties. The opinion of the hon. member for head, however little many of his statements be found to differ but which he had just read, hon. member had spoken of  $3\frac{1}{2}$  per cent, and of an alteration of 10 be remembered, that ing of the depreciation year, or rather of a and it would be do arguments, to assume given these calculations the depreciation given taken place. His estimate depreciation he had different terms. The war he had stated, calculations now referred great and a fearful expense signified that he assented course it followed that from such depreciation equally great, and it was true, the hon. member to maintain, that the depreciation was to be measured by, the advance which from one period to another bullion; and that adjustment one time between 30 but his statements were in contradiction on that head,



distinctions ; and he had never attempted to show, though frequently called on to do so, why the precious metals were to be taken as a better criterion than any other metals, of the value of a paper money into which they were not exchangeable. The precious metals were the actual standard, said the hon. member, and therefore as far as the paper money fell below those metals, so far it was depreciated. They were no standard : their value had been altered by the very circumstance of their having been disused as a standard. But if that preposterous position were to be admitted, that the varying price of bullion measured the late depreciation of paper ; then he would ask, how was the price of bullion itself to be ascertained, and where were they to be referred to for it ? In the tables collected by the industry of the committees of 1819, several periods during the war occurred, in which, for successive years, no price whatever for gold bullion was to be found : and one period occurred of nearly four years, in which it would appear that gold bullion had neither been bought or sold : for no price of it was set down. The demand for coinage had ceased. The trifling demands of the gilder and the jeweller were more than supplied by coin illicitly melted. There existed no market for bullion. The price was restrained by law. Those who possessed coin which they wished to dispose of, were subjected to penalties, scarcely less severe than those which restrained forgery and false coinage, if they sold it at a higher than a certain rate. And it was this commodity, thus situated, which they were desired to take as a measure of the general advance of all other commodities and of the value of money.

It had been stated from other quarters, that when they could not find a price for bullion they were to resort to the tables of foreign Exchanges for a measure of depreciation ; but he shewed, that when the money of any country was of a description which possessed no value in other countries, and which consequently did not admit of exportation that of the value of such money, the varying rate of the exchange with other countries, was no measure. He referred, in proof of that position, to the depreciation of the assignats of France, and shewed that the rate of the depreciation of that money in no degree corresponded with the tables of the rate of exchange between England and

France given in the reports of the committees of 1819. Either, therefore admitted, that they possessed tables, to which they could refer rates of exchange, or those tables afford a measure of the depreciation of the paper money. He stated, that the price of bullion being a measure of depreciation might in the end be shown to be false, by the experience. In proof of this he referred to the depreciation in king V which depreciation having been ascertained by an illegal clipping of the coin, was capable of being determined to a certainty beyond dispute, by the weight of the coin in the scale ; and the price of bullion had not varied with the depreciation of the coin : the guinea had risen no more than 30s., and silver no more than 10s. In the work of Liverpool, the depreciation of gold bullion at more than 80 per cent., silver bullion at 40 per cent., and the price of metals, each of which was taken as a criterion as the other, not only did not give a true estimate of depreciation, but each gave a different estimate of depreciation, a different estimate of the advance of gold, and of the depreciation of bullion, would frequently have taken place ; and then he challenged the hon. member to attempt to reconcile the truth of his theory. He stated that though the bullion commission had in their report considered the price of bullion as the measure of the value of the paper yet Mr. Horner, the author of it, had subsequently changed his opinion to be erroneous. Referring to his subsequent views, he stated that the price of bullion rose or fell, in an inconsistent manner from the same causes as the price of a commodity advanced or declined, and was therefore incapable of affording no better a measure than any other commodity of the value of the paper : and it followed from his arguments and statements that in his views the price of bullion was to be taken from the price of agricultural produce, that the price of bullion was the paramount standard of all values.

He would call, then, the attention of the House, to the opinion of the committee, and to one only,

extent to which the late alterations in the value of money had been carried; and that was, the opinion of Mr. Malthus, undoubtedly the greatest authority in this country, or in Europe, in all questions connected with political economy, for he had given to that science, if science it were to be called, in his treatise on population, the only extension or improvement it had received since the writings of Adam Smith. The opinion of Mr. Malthus then was, that the rate of alterations in the value of money was to be taken from the average price of agricultural produce, and from the wages of labour and the general price of commodities; so far had he considered these the fit measures of the value of money, that he accounted it would operate unjustly if the national debt were not adjusted by those measures, as by a standard, under the circumstances in which the country was placed at the close of the late war. He would read to the House the words in which Mr. Malthus had expressed this opinion. It was taken from a work published in 1815, during the depression of prices; in fact produced by the temporary attempt then made to return to the old standard.—“If the price of corn were now to fall to 50s. a quarter, and labour and other commodities nearly in proportion”—this was written in 1815, when the fall, now settled and permanent, was first experienced—“there can be no doubt that the stock-holder would be benefitted unfairly, at the expense of the industrious classes of society, and consequently at the expense of the wealth and prosperity of the whole country. During the twenty years beginning with 1794 and ending with 1813 the average price of British corn per quarter was about 83s.; during the ten years ending with 1813, 92s., and during the last five years of the twenty, 108s. In the course of these twenty years, government borrowed near five hundred millions of real capital, for which, on a rough average, exclusive of the sinking fund, it engaged to pay about 5 per cent. But if corn shall fall to 50s. a quarter, and other commodities in proportion, instead of an interest of about 5 per cent, the government would really pay an interest of 7, 8, 9, and for the last two hundred millions, 10 per cent.”—that is, the government would have to pay for this last 200 millions double the annuity which they had, in reality, and virtually, contracted to pay.—“To this extraordinary

generosity towards the  
(continues Mr. Malthus) disposed to make no objection if it were not necessary to pay it is to be paid; and as it will shew us, that it is the industrious classes and landlords; that is, by nominal incomes will vary in the measure of nominal revenues of this period compared with the average of five years, will be diminished out of this nominally they will have to pay amount of taxation.—charges of the nation the sinking fund, are forty millions a year (the five or forty-six million millions, if we complete reduction of the price of articles to be paid in future about half the nominal national income in 1813 with what an increased on tea, sugar, malt, leather &c. &c. would, in this case, the labouring classes of society did not agree with the rich who imagined that they were to receive benefit his bill—“and what price income all the active, in orders of the state, as orders, must pay in as the various articles of excise, the pressure will be absolutely intolerable. No *ad valorem* taxes afford relief. The annual forty million events, be paid; and if others must be imposed productive.—These are sufficient to alarm even themselves. Indeed, if value were really to fall proposed, there is great reason the country would be obliged to continue the payment interest of the national debt if the price of corn be reduced to 80s. a quarter, the whole of the loans since the war just terminated, will, paid at an interest very high if they were contracted for interest can, of course, be paid by the industrious classes. These were the opinions

given at the commencement of that fall of money prices, of that increase in the value of money, which we have since permanently established by the act of 1819. Not according to the price of bullion, but by the price of commodities and labour generally; but more particularly by the price of agricultural produce, is the real alteration in the value of money, however occasioned, according to this writer to be measured; these were to be taken as the measure of it; and for the causes of the ruinous advance of prices, and subsequent more ruinous decline, those destructive alterations in the value of money; that they had all been effected by measures of the government, would be found clearly deducible from and admitted in, that passage of the printed speech of the right hon. president of the Board of Trade, on which he had already remarked, and to which he would again refer. "But even diminution in the value of money," said the right hon. gentleman, "and afterwards depreciation superadded do not afford a just measure of the actual rise of prices, and especially of the rent of land in this country during the war. To these causes must be added the effect of excessive speculation. *It is true that this excessive speculation had its foundation in the diminishing value of money:* but when the farmer had saved a few thousand pounds, was it not natural that he should wish to lay out his capital in the purchase of land, that land upon which he had realized an independence, and of which the rent and fee simple had at least doubled within his recollection? For the same reason, was it not natural that the landlord, &c. &c.—And what was the state of the money market whilst all this speculation was going on? With depreciation guaranteed by law, the country banks had every facility to lend; the farmer, the landowner, the jobber, every facility to borrow." The whole of these changes, then, were the operations of government. They established depreciation by law; and with it diminution and speculation, which were in fact nothing more than a further depreciation. They destroyed all these by another law, regardless of the fortunes which they confiscated. "With depreciation," said the right hon. gentleman, "established by law," it was not, then, a depreciation, similar in all its essential characters, to the depreciation in the time of king William, as he had told them on another occasion. The depreciation

of king William was all law. It was a criminal clipping of the coin. But he would ask the right hon. gentleman, was depreciation guaranteed by law? They rested all on that. They were equally guaranteed and annulled by law. It was somewhat extraordinary, in which the right hon. gentleman proceeded;—"Can we wonder at the revulsion?"—"If we could rescue many of the victims, if a measure had been adopted, having any such object in view by the present motion, which his hon. friend who brought forward on other steps had been taken by government, to protect the interests which had been sacrificed by the revulsion of which they were victims. No government had ever in circumstances of so great a total and culpable a neglect. When the French government altered their money, to ten per cent only, they made an adjustment of all debts. In her contest for independence, when she depreciated her money, the state country adopted the most the strongest precautions against the evils of so great a depreciation. It suffered none of that loss by gambling in leases, which the gentleman described, to the right hon. gentleman foresaw the extent of the depreciation, and guarded against it, by nothing short of so great a depreciation to justify. They passed laws to make all bargains and contracts valid, if on a longer day. These were some of the measures by which the American government under circumstances similar to ours had guarded against revulsion. They prevented one half of the people from being made the victims of the depreciation. It was sagacity and foresight which they showed themselves, who had uttered the warning, and had acted with the greatest regard of all rights and interests. Rescue the victims! You have not. You depreciated your money, and then you denied that any depreciation had taken place. You raised the value of money, and then you concealed from the people the depreciation which was doing. The country thro

extent, is covered with the ruined victims of a rash, ignorant, incompetent, faithless legislation; and with a misery and ruin such as he sincerely believed since the existence of governments had never been inflicted by any government before, on a peaceable and confiding people.

Undoubtedly, this view of the extent to which the depreciation and enhancement of the value of money had been carried, had been much obscured, in consequence of the recent advance in agricultural prices; an advance which was to be expected; which was indeed the necessary consequence of the state of things which he had examined. The price of agricultural produce had fallen at one time below the average rate which the old metal standard was calculated to support; below the rate which existed before the late war. Agricultural prices having fallen temporarily below the old metal average, it was to be expected that they would advance also as much above it; but that extraordinary advance would be as temporary, as was the extraordinary decline. But there was another cause, calculated also to produce a temporary re-action in agricultural prices; and which thus was calculated to conceal, for a time, from those whose interests were affected by it, the full extent of the change which was proceeding. If there was any one fact connected with the present state of agriculture, which was placed beyond doubt, which had been more repeatedly represented to them than any other, it was this; that during the late disastrous fall of prices, the rent of the landlord had been, in a great degree, paid out of the capital of the farmer. But, could rent be paid out of capital, and the capital remain? And, what was the nature of that fund, thus subject to annual diminution? In what did the capital of the farmer consist? It consisted of improvements effected in his land, of manure in his fields, of corn and cattle in his fields, and in his yards. All the elements of fertility, the sources of production and increase, these formed the capital of the farmer. Could these be subject to a perpetual diminution, and not arrive at length at exhaustion? This destruction of agricultural capital was one of the most alarming evils to which the system they had pursued tended. A re-action in the fall of agricultural produce was certain. If when it took place it should be accompanied with defective

harvests, it would be calamities, of which the land, so arising, was a runner. As agriculture the most advantageous wealth, so it was accompanied with the greatest difficulty; and productive of the great rarely accumulate beyond demands of an increasing population; it could be destroyed, without encountering calamities; calamities which were, to diminish along with their means was this capital of the land had seen glutting the market called it excessive price the source of future prices saw glutted markets and had looked no further excessive supply, they seduced prices; supply varied prices; there is a demand of high and low prices. That question of demand was capable of an extremely plain production of the amount of money must reduce the value of all property and composition would not be as stated by the hon. Mr. Arlington in the course. And yet it was no less the price of no commodity market without an alteration in the proportion of supply and the demand for it, that a reduction of money was capable of making prices could never fall in proportion between demand. It was by altering the relation acting on those ulterior influences of supply and demand were governed. A reduction of money lessened the means and dealers, by which they forced more stock on the market produced an over supply of the resources of the production occasioned a lessened demand if the present price of produce and its recent advance considered as occasioned by rare causes, what conclusion draw respecting what it would be, the present continued? They



guide that average price which the present standard had, when formerly established, supported. No reasons had yet been given, which could lead them to believe that it could give any different average in future. That price had varied from perhaps 35s. a quarter at the lowest for wheat, to perhaps 70s. at the highest, and would give an average of perhaps 50s.: and from that price, or one approaching to it, he was persuaded it would prove, that as compared with the prices of the war, the alteration in the rate of agricultural produce must be estimated; with that alteration, the alteration in the wages of labour and in the prices of commodities generally, would be found to correspond; and in a corresponding degree with all these, the value of money must be taken to have been altered also.

But whence had it arisen then, that measures so important, affecting so many interests, so manifestly unjust and ruinous, and still in their operation, had been suffered to be carried into effect? They were of obscure operation. The effects which they produced, appeared too important to be commensurate with the cause which produced them. The connexion was not seen; but that House partook largely of whatever evils affected any considerable portion of the community; and acted under motives the most powerful to lead them to proceed to an examination of those measures. Those of whom that House was composed were the most extensive sufferers, and possessed in their own hands the means of redress. The right hon. President of the Board of Trade, indeed, told them, that those who suffered in their contracts by alterations in money, did not, to the whole extent of such alterations, possess any equitable claim for relief. It was only to the extent which depreciation went, that in his view injustice had been committed. Further alterations in the value of money gave no claim for redress, to those who suffered in their contracts from them. Those rested, said the right hon. gentleman, on the same footing as alterations in the value of money; as an advance or fall of prices would rest, if occasioned by a greater degree of plenty, or of scarcity, in the precious metals. And in such a case as that he had asked, would any man propose to alter contracts; or the weight, or fineness, or denomination, of the coin? The distinctions drawn by the right honourable gentleman, he had al-

ready shown were wither but he would meet the question thus put. If it were asked government to be called contracts, or to alter the termination of a national standard to meet the effects of a the value of money, and a general alteration in the value of the precious metals? To reply, without fear of contradiction, if that alteration of quantity and value of the money were great; if it were possible to be certain and determine these, it agreed with the principle of those alterations in the value of the precious metals which had taken place; and would it not only be just for government to alter contracts and to adjust them to the value of the precious metals; but it would prove itself incompetent to perform its essential duties, which would require it to adopt such measures. The principle of protecting property in the hands of its rightful possessors, was a necessary duty of preserving a standard. The use of a standard that it should measure to man what he contracted for, was worse than useless, if it failed in this object. It required adjustment, and it was not to be doubted what ought to be the conduct of a government under such circumstances as had been assumed. If considered, what would be the effect on individuals? Under such circumstances as a great increase in the value of the precious metals, and a consequent reduction of the value of money, would be the conduct of government to whom money should be paid? who should be aware of the change that was going on? Such an individual might perceive, that he was a great part of his loans; that the same nominal amount would be owing to him, by his creditors, but such nominal sum would be worth less than its former value. He would not be satisfied. He would desire more money in real property, in the value of money and income to advance, as money itself fell in value. This should be the conduct of government generally, what would be the effect on the debtors, called on at once to pay on such grounds?—They

terms of compromise; of an adjustment of contracts, such as equity would dictate. It would be adjusted between the debtor and creditor, that, as money should fall in value, the nominal amount of debt should be increased. Some other standard than money would be adopted, by which the value of money itself would be from time to time determined. That standard would probably be the average price of bread-corn. Corn-rents had so originated. When wheat advanced one-half, taking the average, a debt of 1000*l.* would be made 1,500*l.*; when wheat doubled its price, the debtor would become bound for 2,000*l.*; and thus only could the different interests and transactions of society be conducted under such circumstances. This would be the conduct of individuals, and that which individuals generally would do for themselves; but which they could only do imperfectly, unequally, according to the different degrees of information which they possessed; that it was, precisely, which it became the duty of government to do for them.

But what, then, was the consistency of those who maintained that it was necessary to re-establish the old metal standard on the footing on which it had stood before the late war; unaltered; of the same value; and to maintain money on that precise footing, at whatever cost, and whatever interests were sacrificed to that object? The fact was, that the present standard which they were called on to support was not the ancient standard of the country. It was a new standard; it was one that had never existed in the country before the passing of Mr. Peel's bill. It was no distinction merely speculative of which he spoke. The standard now attempted to be imposed differed essentially, and in its real value, from the old standard of the country. The ancient metal standard was silver at 5*s.* 2*d.* an ounce. With this, gold had, for some time before the late war, been made a conjoint standard. The standard which was in existence up to the late derangements of the currency was a conjoint standard, therefore, of silver at 5*s.* 2*d.* and gold at 3*s.* 17*s.* 10½*d.* an ounce. That which was imposed by Mr. Peel's bill was one of gold alone, at 3*l.* 17*s.* 10½*d.* an ounce; and the difference in value between the two was 5 per cent; which difference had varied, since 1819, from 5 to 7 or 8 per cent. And the practical effect of the

change thus imposed this; that if they should adopt the standard of Mr. Peel's bill in its place that old authority of which it assumed to possess, let it be established, precisely before the late war, the laws then existing and essential to it, at that step at once establish a new standard of money; a higher market value for lands, houses, rents, and all kinds throughout the extent of 5 per cent. The old standard must necessarily be maintained. The actual prices of the particular standard the first time by Mr. Peel's bill reduced those prices 5 per cent. The rate which the old standard held. The return to the old standard must necessarily occur: the standard of Mr. Peel's bill that pressure still further establishment of the old standard it different from that which it would at once take off the burthen of all existing taxes, give a relief from taxation of three millions annually. The new standard would effect a saving of one million annually in the national debt, and the public would pay the full amount of money of as high a value as existed in this country; and, as ever had been, or claimed for the public, those who were most high public credit. It would be a million and half in pensionaries. All debts, and all contracts, would suffer a virtual reduction of 5 per cent, whilst full justice would be done to all creditors. The contracts, and taxes, had been increased by necessity by taking up the new standard, the standard increased their burthen. The relief which would be given to the debtor, and to pay, in establishing the old standard, would be 5 per cent. If the present silver was a legal tender, that would be increased to 12 per cent. the hon. member for T. had proposed a motion

\* See vol. v. p. 91 of 3 Q

object to abolish the standard of 1819; and to re-establish the ancient standard in its place, precisely as it had existed up to the late war; and he had rested his motion on these precise grounds, that thus would be relaxed (to an extent which he then calculated at 7 per cent) the pressure which had been imposed on the country, by Mr. Peel's bill. And how had that measure been resisted? Not by disputing that such would have been the effect of making silver a standard jointly with gold; that was admitted; the effects on prices, on debts, and taxes, of making silver a joint standard, was not denied, but it was denied that silver had existed as a standard up to the late war. The chancellor of the Exchequer (Mr. Vansittart) maintained, that the silver standard at 5s. 2d. had been long abolished and had no existence at the commencement of the late war. He maintained the fact to have been, that silver was not then by law a legal tender, except for small amounts, for sums under 25l. On these grounds it was, that the motion of the hon. member for Taunton had been got rid of. But that assertion, then made by the chancellor of the Exchequer, was entirely destitute of foundation. It was another instance of the culpable want of information which had distinguished the whole of these proceedings. and of the manner in which men's property had been dealt with. Silver, and silver alone had been, as was well-known, the original standard of the country, and it had so continued till the commencement of the last century; and then gold had also been made a standard conjointly with silver; up to 1793 silver at 5s. 2d., and gold at 3l. 17s. 10½d. were both legal tenders, and, for any amount. Silver was a legal tender to the amount of 25l. if tendered in coin of the Mint, although such coin were deficient in weight. Beyond 25l., and for any amount beyond it, silver was a legal tender by weight at 5s. 2d. an ounce. If on the whole of each sum of 25l., the weight were sufficient, the tender was good, although some of the pieces were deficient in weight. So far, therefore, from silver not having been a legal tender, and a standard up to 1793, it was a standard on such a footing as that it might be considered paramount to gold, which was an adjunct to it.

How, then, did the question in this respect stand? The country was called on to submit to great and intolerable evils, in

order to there-establishment told, of the ancient metal value. Debtors, for this made to pay that which the rowed; tenants rents which never contracted for. The classes were sacrificed to the classes; and all this was to to, because it was necessary blishment of the ancient metal and the re-establishment of it was pretended, was necessary to support public faith, and character. No relaxation proceeding from that old metal be heard of, it must be established, in its full purity former exact value; who were justly from it, and who were sacrificed; whilst it was, that that very standard pretended could not to any ever small, be departed from the victims of these atrocities had been itself altered for oppression. These were, consistencies to the support those were committed who to the present motion, the justice of which rested on, had not been attempted to.

As soon as the hon. member had sat down, Mr. amidst loud cries of "q said, that he would waive reply, on account of the manifested by the House. question of Mr. Western proposed to be added to Folkestone, being then divided: Ayes 27; Noes

#### List of the Min

Attwood, M.	Jame
Benett, John	Leyc
Bennet, hon. H. G.	Max
Barham, J. F.	Mon
Brougham, H.	Moo
Browne, Dom.	Pryso
Denison, W. J.	Palm
Ellice, E.	Pelha
Ellis, G. A.	Tenn
Folkestone, visc.	Well
Gordon, R.	Wod
Grant, J. P.	Woo
Griffith, J. W.	
Hamilton, lord A.	West
Honeywood, W. P.	Titch

MODE OF SELECTING C  
—PETITION FROM LIVE

*Denman* presented a petition from certain inhabitants of Liverpool, praying that the House would take into consideration the mode of selecting Grand Juries, with a view of remedying the evils attached to it. The petitioners complained, amongst other things, that great inconvenience and injustice arose from the circumstance of a particular class of persons only being summoned to serve on grand juries. In consequence of this mode of proceeding, the grand jury of the county of Lancaster had become a sort of standing jury, the same names being continually placed on the panels. The petitioners attributed the failure of justice in the trials of the Manchester Yeomanry mainly to the manner in which the grand jury of Lancashire was nominated. One of the statements of the petitioners was, that the number of persons who had served as grand jurors in Lancashire, during the last 12 years, was only 38, whereas it ought to have been 163.

*Mr. B. Wilbraham* thought, that the House ought not to interfere with the province of the high sheriff in summoning grand juries.

*Lord Stanley* observed, that the mode of nominating grand juries in Lancashire was precisely similar to that pursued in every other county.

*Mr. G. Philips* said, that the subject was one of the greatest importance. He believed that the allegations of the petition were strictly correct, and that the mode of selecting the grand juries of Lancashire partook much of the nature of a monopoly. Under such circumstances, it was not improbable that the political prejudices of the grand jury should interfere with the rights of justice. It certainly had created no little surprise in his mind, that the grand jury had thrown out the bills which were preferred against the Manchester Yeomanry. He was of opinion, that the subject of the nomination of grand juries should undergo a complete investigation.

Ordered to lie on the table.

ROMAN CATHOLIC MARRIAGES.] *Dr. Phillimore* presented a petition from the rev. *Dr. Poynter*, praying that the Roman Catholics of England might be placed upon the same footing as those of Ireland, with respect to the performance of the marriage ceremony.

*Lord Nugent* said, that the case of the English Catholics with respect to the re-

strictions on marriage and called for redress.

*Mr. Monck* approved the restrictions on lawful marriages by some parishes in London, thousands of Catholic children according to the rites of and whose children were law bastards and buried where they were born, movable with their par-

*Sir J. Mackintosh* said, that he intended to present from a large and populous district of the burthen brought the injury to the country consequence of the law of marriage of Roman Catholic clergy, unlawful. The disregard of solemn vows, the neglect of offspring, and distress occasioned by absurd law. The petitioners, churchwardens, overseers of the poor of the parishes, they stated that in the district contained 40,000 population of the population natives of Ireland, who were married according to their own religion and custom. Of all such marriages who had no natural guardian to the parish, from whom they were removed with the legally orphans from whom they were exposed to the neglect and to all the guilt consequent on such a state. He prayed for the alteration which alteration would be of toleration, without the slightest degree of political interference.

*Mr. M. A. Taylor* said, that a legislative measure should be introduced to remedy the evil; but the inconveniences complained of were attributed to the conduct of the priests themselves; for that such marriages were not performed and they ought, therefore, to perform the ceremony had first been in accordance with the rites of the Church as was done by the Bishop of Durham, and if adopted would obviate many of the evils complained of. At the same time the remedy ought to



Dr. *Phillimore* said, he had framed such a bill some years ago, but on sounding the opinions of certain individuals upon it, he found that it would excite opposition in another place.

Mr. *Grey Bennet* hoped the learned gentleman would not be deterred from introducing such a measure, by what he knew of the opinions of certain individuals upon the subject. The law as it now stood was a disgrace to the country. He trusted the learned gentleman would not delay the introduction of his measure.

Mr. *T. Ellis* expressed a hope that his learned friend would not be deterred from introducing the bill. Though not favourable to granting to the Catholics any accession of political power, he would go as far as any member to remove all their disabilities, short of the granting of such power.

Mr. *J. P. Grant* also hoped, that his learned friend would not delay the introduction of the bill. It had been stated, that the marriage of Catholics by a Catholic priest in Scotland was valid. True, it was so, because marriage, by the law of the country, was looked upon as a civil contract; but, by an act of the Scotch parliament, still in force, a Catholic priest was subjected to heavy penalties for performing the marriage ceremony between two Catholics, though the marriage would still be valid. It had happened to him to have to defend a Catholic priest, in a prosecution instituted against him, for an infraction of this law. His client was fortunately acquitted, and he believed that since then further prosecutions under that statute were abandoned.

Ordered to lie on the table.

## HOUSE OF LORDS,

*Thursday, June 12.*

DISSENTERS MARRIAGES BILL.] On the order of the day, for the second reading of this bill,

The Marquis of *Lansdown* stated, that the purport of the bill was, to relieve Protestant Dissenters and Catholics from the situation in which they were placed by the former marriage act, which compelled them, in opposition to the scruples of their conscience, to one act of conformity with the doctrines of the established church. It had been admitted by men of all parties, that they were entitled to some relief, and that some means should

be found to rescue them from the necessity of violating their own religious feelings, or of abstaining from contracting a tie important to their own happiness as well as to the welfare of society. The petitions which had been laid before their lordships, and the communications that had been made by bodies of Dissenters to the noble earl opposite, were alone sufficient to establish their case. To some of them, the higher and more enlightened Roman Catholics, the present state of the law was not particularly objectionable; but with the lower classes of Catholics the objection was insurmountable. The result was, that rather than perform such an act of conformity, they preferred contracting marriages legally invalid. Hence arose the petition of the churchwardens and overseers of one of the most populous parishes in the metropolis, who prayed that Roman Catholics might be allowed to solemnize marriages in their own churches, and according to their own rites; as, in consequence of the present practice, their parish was crowded with illegitimate children. The bill now before the House would extend to Catholics and Dissenters the facilities granted to Jews and Quakers by lord Hardwicke's Act; but with such regulations as were necessary to give security to property and to all the relations which marriage created. The religious ceremony would be left to be regulated by themselves according to their particular tenets. All that was asked was, that after having gone through the forms required by law, and having paid the fees due to the established church, Dissenters should be allowed to marry in their own churches, and that their marriages should be regularly registered, under the inspection of the clergymen of the parish in which they resided. He was far from thinking the bill perfect, and objected in particular to the clause which provided that marriages might be solemnized in any licenced place. He thought that marriage should only be celebrated in chapels consecrated to divine service. All the objectionable provisions, however, might be removed in the committee.

The *Lord Chancellor* regretted that he was obliged to oppose the motion of the noble lord. But, the very view which the noble lord himself took of it, justified him in calling on their lordships not to make so great an alteration as the bill contemplated, at so late a period of the

session. The bill was marked by a generality of provisions, which showed the impossibility of carrying it into effect. Although a firm friend to the Church of England, he thought he might say, that he took as just a view of toleration as any noble lord in that House could do: but he could not go the length to which this bill pointed. For by it, where a marriage took place between a Catholic and a Protestant, the Protestant was left entirely out of the question. The marriage must be by the Roman Catholic form, and no provision was made for satisfying the scruples of the Protestant. The bill was founded, it was said, on a tenderness for the religious principles of particular sects: but, if those principles led men to deny Christianity, were they to lend themselves to an extended toleration of that sort? To what would this bill go? It would enable persons to open a place for the celebration of marriage in every town and village throughout England; and that, not for individuals whose religious tenets were known; but it would introduce the followers of Joanna Southcot, together with ranters, jumpers, and various other sects, of whose principles they knew nothing. It went even further; for it gave protection to all those religious opinions which might hereafter be promulgated. The bill, it might be said, could be amended: but he pressed on their lordships to consider, whether they could, with propriety, at that period of the session, set about amending a bill, having for its object such mighty changes in the law of marriage. It would be much wiser to give this bill up, and to have another measure introduced early in the next session.

The Earl of *Liverpool* said, he must give the bill, as it now stood, his decided negative; because it contained provisions to which he never could accede. The object of the bill he, however, admitted to be necessary and expedient, to a certain extent. He, therefore, differed from his learned friend, who wished the measure to be withdrawn altogether. Even at that late period of the session, it might be sent to a committee, to inquire whether a part of it might not be retained, if the object could not be effected by some other mode; and certainly the present measure did not appear to him to be the most advisable mode. The argument for the principle of the bill was unanswerable, after we had recognized that principle in the case of the Jews and Quakers.

There were parts of many which certain conscientiously agree to; persons, "We will enter through that ceremony you from entering into which is necessary for and for the preservation could not be maintained. He would not, rely by a measure which was accompanied by concessions described by as well as by many others not pointed out. Heresies could arise with Catholics, who might be on the same footing as the Quakers, but as to Dissenters, as the service might be in a church did not object to one provision of the bill for the parties, not only dissenters, but where either to be united according to the forms. Here was A, Church of England, and about to be united. Not reasonable that the conscience be satisfied, by having formed according to the churches? But, if the bill stood at present, then in any church, as dissenters could not have the church. This was a proposition, that it could not be a legislation to establish an establishment. Another importance was, that it be *bonâ fide*, and not no. Again, the provision, where a chapel or place where marriage solemnized, called for by the present bill, marriage contracted in every ale-house, not, however, oppose the

The Archbishop of Canterbury had heard with consideration of the noble suggestion of the noble lord to the marriage-service. He believed, the first proposition in that House, to a change in the established church. For the purpose? For the dating those who were of England—to acknowledge their founded their private and the Scriptures

respect for toleration than he had. But the extent to which it should be allowed, was the business of the legislature, and not of the church. He knew of no other just limitation to toleration than that which was laid down by the legislature. The present bill went beyond the point to which it should go; namely, that of giving relief to scruples of conscience. Under proper regulations, such relief might be given; but the present bill went further, and interfered with matters of discipline.

The Bishop of *Worcester* admitted that the bill was imperfect ; but, with all its imperfections it might be sent to a committee, if it were only to show that the subject was deemed worthy of serious consideration. He conceived that some relief might be given ; but what, he would not take upon himself to say. With respect to what had fallen from the noble earl, he had only thrown out a suggestion as to the marriage service ; observing at the time, that it could not be carried into effect without the concurrence of the church, and even then he had only spoken of omitting certain parts of the service in solemnizing the marriage of Dissenters.

Lord *Redesdale* opposed the bill, both in principle and in detail. It would have the effect of converting the licenced meeting-houses of Dissenters into so many Gretna-greens. As the bill now stood, two individuals, not Dissenters, but members of the the Church of England, might get married under its provisions.

The Earl of *Harrowby* said, that, much as he desired to give relief to the Dissenters, he could not consent to give it to the extent proposed by the bill. He thought that by going into the committee a more unexceptionable bill might be produced next session.

The Bishop of *Chester* objected to the bill, because it affected the discipline of the church and the interests of the clergy. He thought that time ought to be given to the clergy to present petitions to the House, if they should think it necessary to do so.

Lord *Calthorpe* thought, that sufficient had been stated to induce their lordships to go into a committee on the bill. He looked to the agitation of the subject without the smallest apprehension; because, the more the just rights and privileges of the Church of England became the subject of consideration in Parliament, the more would that church recommend

### ***Dissenters Marriages Bill.***

itself to the respect and  
country at large. Neither  
religion, nor of the chu  
them to force individuals  
acquiescence in opinions  
view, were repugnant to  
authorized by Scripture. i  
he wished the bill to be  
mittee. He by no mean  
self to support all its provis  
with his qualified approbat

The Bishop of *Landaff* before the legislature com-  
bill as this, they ought to  
were the persons by who  
what forms, the marriag  
solemnized. Excepting  
Catholics, and the Quakers  
had any peculiar marria  
their own. Was it not  
ther they would admit  
which the legislature mi  
them? The moral and rel  
of the community would  
such a latitude were permi  
tended to allow. He admit  
a question well deserving  
but it was one which could  
off-hand. He wished it to  
for the present.

Lord *Ellenborough* said, object of the bill was, to remove scruples, and nothing else. The rev. prelate had asserted, that the civil and religious interests of the country would not be safe under the operation of this bill. Now, he thought that the interests were not much advanced by the bill. Persons, in despite of their religious scruples, to an occasional conformity, the rev. prelate admitted that the bill demanded consideration. We must go into a committee, and see if the bill could not be rendered more palatable. With respect to the alteration of the marriage ceremony, he doubted whether it could be effected, so as to include the Dissenters without doing that to which the most serious objection; namely, reducing marriage into a mere civil contract. There were few things which would give more pain than to see the rights of the Dissenters always indisposed to give religious consciences. What was required of the legislature by this bill was, to remove what the legislature at present refused to do. The Dissenters was a very great objection.

**The Earl of Carnarvon**  
that the bill should go to

It might there appear advisable to postpone the decision on the measure. By adopting the course recommended, their lordships would next session be better prepared to go into the discussion of this important question.

The Marquis of *Lansdown* said, that had it not been from the apprehension that an insurmountable objection would be found to exist to such a proposition, it would have been proposed to substitute another form of marriage in the liturgy. He had introduced the measure, although late in the session, that it might receive as much consideration as possible, with no wish, however, to press it to a complete adoption. On the contrary, it was desirable that the recess should be allowed for the purpose of further digesting the bill. At the same time, however, he could not conceal the disappointment which he felt at the objections which had been made even to going into a committee on the bill, in order to see if the existing evil might not be remedied.

Their lordships divided: For the second reading, Contents 15; Proxies 6—21. Not contents 15; Proxies 12—27. Majority against the second reading, 6.

## HOUSE OF COMMONS.

Friday, June 13.

BARILLA DUTIES BILL.] The House having resolved itself into a committee on the Barilla Duties acts,

The *Chancellor of the Exchequer* said, it was not his intention to establish a permanent law imposing a high duty upon barilla for the purpose of encouraging the manufacture of kelp. His measure was merely temporary. There were peculiar considerations belonging to this case which induced him to extend to the kelp-makers such relief and protection as was practicable. He owned that the distress among them was extremely great: not less than from 80,000 to 100,000 persons were, in some way or other, employed in this branch of trade; and, from motives of humanity, it was necessary to do something for them. He therefore proposed a resolution for raising the existing duty on barilla from five to eight guineas; the new duty to begin on the 5th of January 1824, and to continue for five years.

Mr. *Denison* wished that sufficient time should be allowed to the soap-makers, to receive consignments of barilla contracted for under the duty of five guineas.

Mr. *Campbell* strove to carry the resolution, observing that if carried, 2,000 persons only would be thrown out of employment.

Mr. *Calcraft* felt his support the resolution would be entailed upon it if it were not carried. High duties in general, in this case the injury would be less than to on the west coast of Scotland.

Mr. *K. Douglas* thought it better to defer the measure to the next session, and that the measure would not suffer any in the mean time.

Lord *A. Hamilton* said, that the measure had been occasioned by a policy which had been pursued to these duties. He thought the measure could not be carried.

Mr. *Ricardo* contended that the ground on which the measure was supported was that of the same reasons that now existed, would exist in ten years to warrant its correction to temporary kind, and to the principles were established.

Mr. *T. Wilson* opposed the duty.

Mr. *J. P. Grant* supported the measure.

Mr. *Hudson Gurney* said, that he had heard the opinion, that the duty on barilla would be a benefit to the kelp-growers, necessarily increasing the value of one of the most material articles of domestic life—be one of the measures that could be adopted. He held in his hand a statement which had been directed to be drawn up by the Scotch and Irish members only, and the English members were to be added to their constituents a bill to pass.

Lord *Binning* denied that the measure was imaginary. On the humanity he claimed this though it might be in cold rules of political economy, he did not care one straw for in a case of this kind.

Mr. *Marryat* condemned the policy out of which



arose. It put all property to hazard, and sported with the capital of the country. He could not consent to a fresh change without due notice being given to the parties interested.

Mr. *Hume* said, that since the duty on barilla had been taken off, the price of kelp had risen. Unless the chancellor of the Exchequer, in a committee upstairs, could make out his case, he could not vote for the resolution.

Lord *F. Gower* felt himself bound to support the proposition.

General *Hart* would vote for the proposition, which he considered necessary for the support of a great part of the population of the north of Ireland.

Mr. *Grey Bennet* thought previous inquiry absolutely necessary. Much had been said on the score of humanity, but he feared there was a great deal of self-interest mixed up with that appeal. The property in kelp manufactured had doubled since 1792, whilst every other species of property had decreased. He had a suspicion that this case, if investigated, would resemble the case of the Scilly Islands, which had been brought under consideration some years ago, and had taken a large sum out of the pockets of the people.

The committee divided: Ayes 100. Noes 20. Majority 80.

#### *List of the Minority.*

Calcraft, J. jun.	Proby, hon. G. L.
Cradock, col.	Parnell, sir H.
Douglas, W. K.	Palmer, col.
Denison, W. J.	Pares, T.
Gordon, R.	Philips, G. jun.
Grenfell, P.	Ricardo, D.
Gurney, Hudson	Rowley, sir C.
Hume, J.	Thompson, ald.
Maberly, J. L. jun.	Wilson, T.
Marryat, J.	Wood, Matthew.

BEER DUTIES BILL.] On the order of the day, "that the report of this bill be now received" being read,

Mr. *Denison* complained of the clause of the bill which prevented the brewers of table beer from making the medium description of beer without erecting new premises. This enactment he considered most unjust and oppressive. The table-beer brewers were ready to submit to any penalties to guard the revenue from any infringement of the laws. The bill accompanied by this clause was so objectionable, that he should wish to see it put off to another session; when a committee

might take into consideration of the beer trade in would move as an amendment the report be received the months."

Mr. *Maberly* concurred in the bill most unfair upon the brewer, who only wished to retain the business they carried out the needless expense of premises. The whole state required investigation. His session move to repeal all beer; which would put the brewer bought their beer from the level with those who brewed beer. The duty increased beer to the consumer one penny.

Mr. *Monck* said, that the effect of a new duty on small beer. The law stood, was allowed at the rate of six barrels of malt; the new beer was at the rate of five barrels; increased strength of 20 per cent increased duty of 150 per cent. In the trade, restricted as it would be found to embark. The chancellor of the Exchequer would strength to be four barrels instead of five, something per done.

The Chancellor of the Exchequer that the restrictions on brewing the same premises different kind of beer, were preventing frauds upon the consumer, by mixing the proposed change from five to a quarter, it would absolutely ruin the porter brewers; whose beer scarcely superior in quality would remain charged with

Mr. *Bernal* insisted, that the restrictions against mixing the two were both futile and vexatious.

Mr. *C. Smith*, though not in opposition to the chancellor of the Exchequer, must vote against the

Mr. *Ricardo* thought the inoperative and it certainly just; as it, in fact, confiscated the property of the table-beer brewers. The idea of preventing weakness being put off on the public for the public might be safely left to itself. No harm could be done by the bill without the vexatious delay at least for a year, by way of

Mr. *Wodehouse* opposed the bill, and suggested that it should be postponed to the next session when a full inquiry might take place.

Mr. *Marryat* wished to know the reason of the arbitrary distance of 200 yards which was required between one brewery and the other? He knew a brewer who had two premises 150 yards distant from each other. The erection of another would cost 10,000*l*.

Mr. *Herries* defended the bill, and thought the restrictions necessary, to secure to the public the full benefit of competition, by bringing a new race of brewers into the market.

The Marquis of *Titchfield* opposed the bill as it stood, and considered that it would have no tendency to encourage the brewing of a better sort of beer, as the business would not be undertaken except by those who could incur the expense and risk of new buildings for the purpose.

Mr. Alderman *Wood* opposed the bill, and suggested the removal of the beer duty altogether. The new beer would be such trash as no labouring person would drink. It would find no consumers, he hoped, in London, nor any where else.

The House divided: For the amendment, 26. Against it 32. The report was brought up. On the motion, "that the amendments made by the committee be now read a second time," the marquis of Titchfield moved as an amendment, "that the bill be re-committed." The house again divided: For the amendment 26. Against it 36. The report was then agreed to.

#### *List of the Minority.*

Bernal, R.	Phillips, G.
Bennet, hon. H. G.	Phillips, G. jun.
Calcraft, J.	Pelham, C.
Coffin, sir I.	Rice, T. S.
Hume, J.	Ricardo, D.
Houldsworth, T. H.	Scarlett, J.
Marryat, J.	Smith, C.
Martin, J.	Titchfield, marquis of
Mundy, F.	Tulk, C. A.
Monck, J. B.	Wood, M.
Marjoribanks, S.	Wilson, T.
Newman, R. W.	Wodehouse, E.
Oxmantown, lord	TELLER
Palmer, F.	Denison, W. J.

CHIEF BARON O'GRADY.] On the order of the day for going into a committee on the judicial fees received by the chief Baron of the Irish Exchequer, Mr. Spring Rice moved, "That the ninth report of  
VOL. IX.

the commissioners appointed into the Duties, Salaries, of the Officers, Masters of Justice, in all Ecclesiastical courts in Ireland

Mr. *Scarlett* rose to entertain a motion regarding the character and character of high judicial rank at the session when it was hoped that they could draw a conclusion within the things. He would support introduced early in the session he could not, under all the circumstances, refrain from opposing it, at the present moment.

Mr. *S. Rice* protested against moving in this matter throughout by a sense of regard for the honour of the House, he were compelled to discuss after the report had occurred, he must bear any share in the blame. He considered, that, on the last occasion this subject was to have been moved by an hon. member, who must feel more interest in it than any gentleman in the House. He would not therefore delay, even of four or five minutes, in the highest degree of respect for the character and feelings of the House whose conduct was to be discussed. He would not therefore expose himself to the imputation of being sent as a matter of course to that quarter alone it could be asked of him; and if it was that hon. gentleman, backed by that of the House, would acquiesce. But he would not take upon him responsibility, nor would he be engaged to renew his motion. He would leave it to those who it was to watch over the administration of justice to do as they pleased.

Mr. *Scarlett* repeated his having the character of the bill into question, unless it were compared to go through the case. The requisition of the bill did not, he thought, perfect his usual kind disposition in the House. He felt the greatest sympathy for a young gentleman to whom a motion had been made; and after the motion was expressed he ought to be removed from the House from whom any

should be expected. But it was not at his request that he (Mr. S.) made this application for postponement; though he had felt it a duty to inquire if that hon. gentleman had any decided objection to urge to postponement, in case such should be the desire of the House. That hon. gentleman had left the question entirely with the House; and, considering the lateness of the session, the difficulty of the inquiry, and the uncertain nature of the charges, he could not consent to allow this discussion to go forward.

Mr. Secretary *Canning* agreed as to the propriety of postponing the discussion. He had examined the question, and he was prepared to vote upon some of the propositions of the hon. gentleman; but there were others, upon which, without further inquiry, he was not prepared to vote, and therefore he thought it had better be postponed till next session.

Mr. S. *Rice* said, that if the inquiry were postponed, he would not pledge himself to renew it. If the postponement were forced upon him, he could not resist it: but he would say, that that postponement was no act and deed of his.

Sir *J. Newport* thought the postponement unnecessary.

Mr. *Hutchinson* said, that it appeared to him that the majority of the House would be for delay.

Mr. *Hume* enforced the necessity of taking up this long-delayed inquiry. Ministers ought to consent to go on with it, or at any rate to show some regard for the purity of the justice seat, by suspending the chief baron until it should be determined.

Captain *O'Grady* said, he would not offer a single opinion on the subject of the inquiry. He certainly had given the learned member for Peterborough to understand, that if the House were decidedly in favour of postponement, he would not stand in the way for a moment; with this understanding—that nothing in his conduct should be drawn into an imputation on the conduct of the learned judge for whom he felt so deeply interested.

Mr. S. *Rice* left it with the House, or with ministers, to prosecute the inquiry, should they now determine on a postponement.

Mr. *Wetherell* objected to laying a responsibility on ministers which belonged to the House, and advised the postponement of the subject.

Mr. *Peel*, though he thought delay ne-

cessary, could not assent to the proposition of the hon. member for Aberdeen, to suspend the chief baron, upon charges not yet established.

Mr. *Canning* said, that rather than undertake the responsibility which the hon. gentleman would impose on him, he would go into the discussion at once.

Mr. S. *Rice* said, that then he would go on.

Dr. *Lushington* admitted that ministers ought not to promote this inquiry, because there was an influence naturally attached to their stations which must act prejudicially to the justice due to any parties against whom they might appear.

Mr. *Denman* objected to further delay upon a case made out by two judicial commissions, and confirmed by two reports of that House. It was idle to suppose that there was no ground for suspecting the chief baron of malversation in his court. He strongly objected to the opinion, that ministers were not bound to take up the case officially. If it was not their duty on whom did the duty devolve? Were not the judges places filled by them? Had they really no responsibility in seeing that justice was not polluted by those whom they appointed? He maintained that the responsibility of this and every such inquiry rested with ministers, and would object to the postponement.

Mr. Secretary *Canning* disclaimed, for his majesty's ministers, the right as well as the intention of interfering in this business as the promoters of it. The hon. and learned gentleman was quite mistaken if he thought he would be induced to fall into the trap which had been so ingeniously laid for him. He would not consent to swell, upon this occasion, the triumph of those gentlemen, who, upon other occasions, were his adversaries. No conduct of theirs should force the prosecution of the business into his hand, nor, if his advice were listened to, into that of any of the hon. friends with whom he acted. He would, if it should become necessary, attend at every step which should be taken, but he would do no more. The right hon. gentleman referred to the impeachments of Warren Hastings, and of lord Melville, in neither of which the ministers had taken any part, and concluded by expressing his opinion that the postponement of the inquiry was expedient under existing circumstances.

Mr. *Wilberforce* was in favour of the postponement, on the ground that many

members were not prepared for the discussion.

Mr. *Scarlett* then moved, as an amendment, "That the further consideration of the said report be postponed till the next session."

Mr. *Hume* protested against any further delay, and stated that, in his opinion, the inquiry was about to be put off by connivance on both sides of the House.

Mr. *Scarlett* repelled, with considerable warmth, the assertion that the proposed postponement was the result of connivance.

Mr. *Wynn* thought the better mode would be, to refer the matter again to a committee.

Mr. *M. A. Taylor* urged the necessity of going into the inquiry. When a judge was charged with criminality, he ought to be acquitted or condemned, with as little loss of time as possible.

Colonel *Barry* said, if his hon. friend would pledge himself to go on with the inquiry next session, he would vote for the postponement; but if he declined doing so, he should call for immediate inquiry.

Sir *J. Newport* was desirous that the inquiry should be proceeded in at once.

Mr. *S. Rice* stated, that he had repeatedly offered to bring forward his charges, and had constantly been met by an application for delay. He would not, therefore, pledge himself to bring the subject forward next session. The House should consider that there were two parties in this case. This procrastination must be painful to the learned person against whom the charge was made, and it must also be painful to the individual by whom it was agitated; who might, however unjustly, be accused of not being anxious to press forward this always-postponed accusation.

Mr. *Grey Bennet* said, that his majesty's ministers were determined not to meet any case of this kind as they ought to do. They were the shelterers of every thing that looked like criminality. It was a part of their system. But their proceeding on this occasion must open the eyes of the country. Here was an accusation brought against one of the judges of the land, and ministers refused either to place him in that situation of honour which his innocence justified, or to consign him to that punishment which his offence deserved.

Mr. *Secretary Peel* said, he would ask

the hon. member who asked the question, whether he had been in the debate? He should like to know the period of the night this discussion had come down to, and on the course pursued by the hon. member, having been in the whole discussion, and being ignorant of what had come down at 11 o'clock, he was accused of a wish for postponement who had said that they would go on, and did not wish to stand in the way of whatever in the House. All the information that a man could have obtained at second hand, and was not accurate. Having grossly neglected his duty, the hon. member should not at that late hour and talk of promising justice. The motion of the hon. gentleman was about to be put, and the friend the member for the postponement. How did the gentleman know how the majesty's government intended to proceed on that proposition? For the President of the Board had expressed any opinion.

Mr. *Brougham* said, that it was a great fortune, on this occasion, that those who had been, for four hours, guilty of a great fault (that was the expression) in not doing his duty towards that House, in not bringing himself from it, while the discussion was going on; according to that right he had no right to state his opinion, was, however, in time, though a man who had on a great personal or private interest, had certainly no right to state his merits, he believed it was to him that he was entitled to vote, and voting was also entitled to state the grounds of his vote. He was, however, to find that a new era was to commence in that House, and forth, none were to delude themselves who had not been so in the evening. Heretofore resolutions were made of empty promises on many occasions—and the importance—little else was to be seen, except the bright colours which were because



mit "a gross dereliction of their duty," and to stay away during a debate. But, melancholy as the fact was, the seats, some how or other, became empty every evening about seven o'clock. This was the way business had been carried on in that House. But ministers were about to set a good example; and he, who was a reformer, would be happy if the principle were adopted, that no man should be allowed to vote who had not heard the discussion. He thanked the right hon. gentleman for introducing the principle—although he was somewhat surprised at the high tone he had assumed. It was a pitch too high for any man; but it was entirely too high for one who was so remarkable for his suavity on other occasions. The right hon. gentleman, however, thought that he had gained an advantage over his (Mr. B.'s) hon. friend, for the first time in his life, and he had raised his voice accordingly, since it was undoubtedly something rather new to him [Hear, hear! from the ministerial benches]. He knew that was not the opinion of the squadron opposite, but he was sure it was the opinion of the House in general, and of ninety-nine persons in every hundred out of the House. But the right hon. gentleman in making his attack, like other unskilful generals, had gone too far, and got into the adversary's fire. How was the business of the House done? Between six and seven o'clock every evening the benches were deserted. If an angel were speaking, and the subject was one of sufficient importance to interest Heaven itself, symptoms of impatience would appear (unless, indeed, it was a personal question—a question relative to the royal family would do much) about the hour he had mentioned, and gentlemen quitted the House. However important the question to the nation—however serious in itself—how great soever the talents might be of him who urged it forward—still, one by one, the members left their places, more numerous from the opposite side than from that on which he was speaking [Hear, and laughter]. The seats were left to their repose, and those who came in at 7 o'clock, when the evacuation had taken place, would find nothing but bare benches [a laugh]. Then let them look to the custom of pairing off—

Sir F. Ommanney said, "You paired off with me this evening." [a laugh].

Mr. Brougham proceeded. He con-

tended that his hon. friend guilty of any indecorum point when he arrived at the question was, whether he was wrong in his observation that his friend knew the course men opposite intended to take. Why, surely he might say a word of his hon. friend's name, Montrose, who was present last. Were not ministers to support the motion? [No, no, they oppose it? [No, no, they were like Mahomet's converts between the two points. that no one knew the course to take. See, then, the position in which absence had created between friend and himself had been. He would not have been a bit better if his friends near him had witnessed the declaration given by ministers and sign, and yet they could not say an idea whether those gentlemen intended to support the question or not. His friend was in a state of ignorance, absent, and he would not say so had he been present. He would not pally to protest against the declaration by the right hon. member for the new principle laid down by the right hon. gentleman, he would not vote in opposition to it. He was happy to see that the ministers intended that the practice of the House was now to be a salutary change, and would be except those whose only duty was to give a silent vote.

Mr. Secretary Peel thought it probable that the hon. and learned member, who seemed to have been in a much pleasanter way than his duty in that House, could not have made the remarks of the hon. member for Shrewsbury. He (Mr. B.) objected to the hon. member for Shrewsbury's giving his opinion. What he had said was, and he maintained it, that it was exactly on the part of the hon. member to prefer an accusation against the government without having any evidence whatever for the charge. He was of which the hon. and learned member complained, it was the nature of the man who felt himself and was justly accused.

Mr. Bennet observed, that the whole of the evidence was in favour of the committee, and endeavoured

himself master of the subject, he felt himself quite competent to speak to the question. Having been informed of the speech which had been made by the right hon. the Secretary of state for Foreign Affairs, he certainly had conceived, and he still did conceive, that there was some compromise or connivance on the part of his majesty's government.

The amendment was negatived without a division, and the House agreed to go into the committee on Tuesday.

## HOUSE OF LORDS.

Monday, June 16.

**SILK MANUFACTURE BILL.]** The Lord Chancellor said, he had a petition put into his hands, which, as it contained nothing disrespectful in its language, and related to a measure of very great importance to the petitioners, he thought it his duty to present. It was from the operative silk-weavers of Spital-fields against the bill now in progress. With respect to the disputed objects of the manufacturers on the one hand, and of the weavers on the other, he did not profess himself to be a competent judge. The subject was important, and he would, for the present, only express his hope that those who approached that House as petitioners asking its favour and protection, would continue to deserve it, by their peaceable and orderly conduct.

The Earl of *Liverpool* said, that it was the full and decided conviction of those by whom the bill in question was introduced, that the alteration of the law which it proposed was absolutely necessary for the just interests of the Spital-fields manufacturers. It was equally their opinion that the bill would not, in its operation, be found to militate against the interests of the labouring weavers. Such was the principle on which the measure was founded. It, however, turned out that many of the latter class took a different view of it, and a large body of the weavers of London and Westminster had petitioned against the bill. It was his opinion and his feeling, that, before the House proceeded to adopt a measure so interesting and important to that class of men, that they ought at least to receive a full and patient hearing. It seemed to be their impression, that the proposed alteration of the law would aggrieve them. They were, therefore, in fairness entitled to a hearing. The petitioners were a

body of men who had selves with the utmost were a sound, orderly, He spoke not from the the agitation of this former occasions. W labouring under the p or famine, and under t cumstances, their c orderly and loyal. He going out of his way i servations. Without e he had done into the p he only asked for the p doubted right of the su in their own case. The ing order of their lords any bill relating to tr should be referred in t a select committee, that the petitioners shou by counsel at their lord select committee. He that the bill, under the the House, should be a committee on Wednesd

Lord *Ellenborough* s hand two petitions, the 179 manufacturers, the by about 10,000 perso Bethnal-green, against heard, with great satisf vations of the noble e conduct of the petitiors servations he cordially impossible to speak in t commendation of the persons—of the loyalty which, for half a centur ed them. They had b accessible to those wh turn the feelings of the institutions of the cor difficulty, of distress, c been distinguished fo their temper, and the laws. They had ther claims upon the indulg ships. The peculiarity their lordships was this the consideration of par affecting the silk t alterations respecting t when that trade was i state of depression, b usually prospero state of t t e i form a juu i ann q

, v 530,0000.

in the last year was 2,500,000*l*. That the duty on that material 21 years ago, was 200,000*l*.; that the present duty was more than 600,000*l*. There was no proof before their lordships that the trade stood in need of the proposed alteration. On the contrary, its progress had been rapid, and increasing. There was another peculiarity in the present measure. The acts in question had reference only to a distance of 10 miles round the metropolis—a mere speck. He verily believed they were interferred with merely to gratify the theoretical views of political economists. The alterations proposed were at least doubtful; for there was no proof that the bill would be attended with public advantage. On the other hand, the proposed alterations filled with the most gloomy apprehensions the minds of a large, deserving, and laborious class of men. If the repeal of the existing acts would produce any sensible advantage to the silk trade, it might furnish an argument in its favour; but the fact was indisputable, that the trade at present was flourishing, and stood not in need of new regulations. He could not agree with the noble earl, that the bill could ultimately be servicable to the labouring weavers. He could not see how any alteration in the law, which would have the effect of reducing the rate of wages, could be beneficial to the labourer. It might indeed be said, that the reduction of the price would have the effect of increasing the quantity consumed. To that he would answer, that there was every reason to suppose that the domestic demand would go on increasing; and, with respect to exports, that branch of the trade was always variable, uncertain, and liable to embarrassment. He always looked on the acts in question more as a measure of police than of trade. They were, in his opinion, most efficient in preserving peace, and a good understanding between masters and journeymen. Nothing, in principle, could appear more absurd, than that the lord mayor and aldermen should regulate the scale of wages between masters and journeymen. Looking, however, at the practical effect of that regulation, it did not appear so absurd. Combinations throughout the country were carried on by journeymen and by masters. The parties generally came to an agreement. The list of prices was made out by a committee on behalf of the journeymen and the masters, and in many in-

stances an umpire was called between them. They then met the magistrate, and the agreement was made. In fact, the regulations with respect to the silk trade differed but little from the regulations with respect to other trades. He confessed it appeared to him that the parties had agreed to let capital in machinery, resting on the faith of the petitioners. It might be said that the capital should be allowed to go wherever they thought fit, and that there should be a limitation of instituting prosecutions under the acts. Now, the journeyman objected that the capital should be employed where he thought fit, and that the prosecutions should be settled at three months. He wished to retain the principle as to the regulation of wages, and not wish to be left at the will of the manufacturers, but sought a continuation of the protection afforded by the act. To him there appeared every reason for the repeal of the act, and the effect of that repeal would tend to Spital-fields, he could not see how the measure with more uneasiness. He did not wish to see another Meeting up near the metropolis that if the bill would have the effect of increasing the wages, it would be an effect most injurious to the trade.

The bill was ordered to be committed to a select committee, and then referred to the same committee.

---

## HOUSE OF LORDS

*Monday, June 10, 1822.*

LONDON BRIDGE BILL.  
resolved itself into a committee. On the clause for granting a loan from the Consolidated Fund, for the building of a new bridge, Mr. Hume objected to the arrangement were made, and the repayment of it to the government had more than 100,000*l*. wanted, it ought to remit in taxes. He believed that the government did not want a new bridge, it was a gross job. Every new bridge might be answered by the water-way of the river, he understood might be 100,000*l*.

Mr. *H. Sumner* said, that if the new bridge were a job, he was the author of it, but he altogether denied that it was a job.

The hon. member then entered into a variety of details, for the purpose of convincing the committee, that the present London-bridge was a nuisance to the city and ought to be taken down. He considered the sum now proposed a moderate one, and should therefore give the resolution his cordial support.

The *Chancellor of the Exchequer* confessed that he had originally been reluctant to make this grant to the city of London, without seeing means provided for its repayment. He considered that the building of London-bridge was not so much a local as a national object. A plan had been suggested for repaying the money by a toll, but this would have been liable to so much public inconvenience, that he had not thought it expedient to resort to this mode of repayment. After having given the subject much consideration, he had ultimately, though not without reluctance, come to the conclusion, that he was justified in acceding to the grant.

The *Lord Mayor* opposed the clause, and moved, that the Chairman report progress.

The House divided: For the clause 81, For the Amendment 12.

#### *List of the Minority.*

Astell, W.	Lockhart, J. J.
Calvert, C.	Monck, J. B.
Cradock, col.	Newnham, J. W.
Clinton, sir H.	Powlett, hon. W.
Dawkins, H.	Wells, J.
Heygate, W.	TELLER.
Lambton, J. G.	Hume, W.

IRISH TITHES COMPOSITION BILL.] The order of the day was read for going into a committee on this bill. On the motion, "That Mr. Speaker do now leave the chair,"

The Hon. *G. Agar Ellis* rose and said, that it was quite impossible for him to allow the bill, framed as it at present was, to go into any further stage of its progress, without entering his most decided protest against it. He had hitherto endeavoured, as far as he was able, to promote and assist its progress, hoping that the objectionable parts of it might be mended, and being, as he still was, fully convinced that a complete alteration in the Tithe system of Ireland was essen-

tially necessary to the tranquillity of that session of the House, he might when the bill was in throwing out in to clause, had put it out concur further in any cution of the measure. unfortunately pass into either be acted upon believed, it would not was surely a most cruel to the people of Ireland, sure which was likely to them. If, on the other be acted upon, it was burthened as it was by ionable clause giving to the power of increasing nues of the Church could not fail greatly to incite and discontent which vailed in the sister kingdom obliged to add, and he pain, that in his opinion well be conceived much conduct of his Majesty year with regard to Ireland the session with the promises of amelioration of they received in returning promises. And June was arrived, and to ask, what had they forming those promises thing at all—and he would at the end of the month they would send over countrymen would be tion act; which, if it was so because the same rising system of going so long degraded was still persevered in. he had stated, he should the Speaker's leaving this as an amendment, "in consideration of this Bill this day six months."

Mr. *Goulburn* defended and expressed his hope would proceed to read possible, though some originally in his view might plished by it.

Mr. *Wetherell* said, to expect that the bill would it was a useless waste of night after night with the various clauses.



Mr. *Calcraft* observed, that it would be but fair to let the right hon. gentleman complete the measure he had begun. If the House rejected the bill, the right hon. gentleman would only have to return to Ireland, and to tell the people there that he had had the most benevolent views towards them, but that the House had refused to let him proceed with a bill, which if perfected would have remedied all their grievances.

Colonel *Barry* thought it would be better to put an extinguisher on the bill at once, than hurry it through during the present session. He had no objection to proceed with the bill if it were allowed to stand over.

Mr. *W. Bankes* supported the amendment, as the bill, in no shape, could be rendered palatable to him.

Mr. *S. Rice* concurred in the amendment, but gave government some credit for a disposition to remedy existing evils. He feared, however, that the measure was not capable of modification.

Mr. *Hume* contended that ministers had abandoned the ground upon which they introduced the bill. There was, besides, nothing useful in the bill. He thought, therefore, that it would be better to allow the people of Ireland to see that the delusion was complete, by discussing the whole of the Bill. Still he would vote for the amendment, if pressed to a division.

Mr. *Peel* contended that no delusion had been attempted by government. If the present bill were lost, he should despair of originating any one which could be satisfactory.

Mr. *Abercromby* considered the bill as utterly useless without the modified compulsory clause, and therefore should vote for the amendment. He attributed the rejection of that clause entirely to the right hon. Secretary's (Mr. *Peel's*) sitting for the University of Oxford.

Mr. *Canning* admitted the inconvenience of occasionally giving the clergyman an augmentation of his income, but thought it far more dangerous to break through the rule upon which government had uniformly acted, of never compelling any transfer of property without giving the most ample indemnity. He trusted that the bill would not be lost in its present stage. If it was to be hung over to the next session, let it be first completed.

Lord *Ebrington* supported the amendment,

Mr. *Ricardo* urged the fixing exactly, under any what should be the right man.

Mr. *Wynn* supported ample compensation. He mind the House that if tithes in Ireland, they were merely with church property third part belonged to lay

Sir *J. Stewart* said, that man got the average of years without any addition more than he was entitled be better to put an extinguisher bill at once.

Mr. *Calcraft* said, that ment was rejected, he would pose a modified compulsory

The House divided: For the committee 51. For the Majority 15.

#### List of the Members

Abercromby, hon. J.	Lind
Anson, hon. G.	Lead
Bankes, W. J.	Lloy
Barry, col.	Moo
Browne, hon. D.	Knat
Browne, James	Nola
Browne, Dom.	Norn
Brownlow, C.	Palm
Chichester, A.	Phili
Dawkins, H.	Oxm
Daly, J.	Tenn
Ebrington, lord	Rica
Fleeming, J.	Stew
Fitzgerald, right hon. V	Wetl
Fitzgibbon hon. R.	Woo
Forde, M.	Whi
Hart, gen.	
Hume, J.	Ellis
Hurst, R.	Rice
Kennedy, T.	

#### HOUSE OF COMMONS

Tuesday, June

#### BEER DUTIES BILL.]

Mr. *Peel* moved for the reading of the Exchequer bill.

Mr. *Maberly* objected to as being most unjust in obliged brewers to erect the luded to in the bill, at a distant premises, and at a —to try an experiment which succeed. To mark his opinion measure, he should take the house upon it.

Mr. *Hume* objected to the proposed the propriety of doing the next session, when a com

take into consideration the general state of the beer trade.

Mr. *Monck* contended, that the bill was by no means calculated to remedy the evil which it affected to remove; for though any man might erect a new brewery in any town, with the view of selling under the price he found there, still the magistrates would have the power of refusing licences to houses where the new beer might be sold.

The bill was read a third time. On the question, that the bill do pass, the House divided: Ayes 64. Noes 26.

*List of the Minority.*

Birch, J.	Moore, P.
Bright, H.	Nugent, lord
Calcraft, J.	Oxmantown, lord
Carter, J.	Ricardo, D.
Cheere, M.	Robinson, sir G.
Coffin, sir I.	Scarlett, J.
Ebrington, lord	Smith, C.
Fergusson, sir R.	Wells, J.
Grant, J. P.	Wilson, T.
Hobhouse, J. C.	Williams, W.
Hume, J.	Wood, M.
James, W.	TELLERS.
Jervoise, G. P.	Maberly, J.
Kennedy, T. F.	Monck, J. B.
Lushington, S.	

**CONDUCT OF CHIEF BARON O'GRADY.]**

The House having, on the motion of Mr. Spring Rice, resolved itself into a Committee on the Conduct of the Lord Chief Baron of the Irish Exchequer,

Mr. *Spring Rice* said, that in presenting himself to the House, he felt how inadequate he was to the important task which he had considered it his duty to undertake, but having in the discharge of that duty undertaken it, he was aware he had no claim to any other indulgence than a patient attention to the statement which he should submit. There were, however, considerations connected with this subject, which made it of importance. The first was—and to that he should implore the most serious attention of honourable members—that this was a personal question, involving the character of a high judicial officer in Ireland; and from those who might defend that character, and above all from those who might feel disposed to affirm the resolutions which he concluded with moving, their duty to the House and the country, and to the high officer in question, required the most minute attention to the facts of the case. There were besides these, other grounds on which the question re-

VOL. IX.

commended itself to the House; for, if ever an act more particularly than another attracted the attention of parliament, it was that which concerned the administration of justice. It was found, that in this country, the best of the judges was given; but in the administration of justice, the judges were not always on their attention for, assuming the case great or small, had for seat of justice in this country, not counteract the due law, or the feeling of who administered it. where unfortunately stances had concurred of years, to create a case was great danger in so affecting the administration pass without the most If the House should find reports before them, then tending to diminish the laws, and for those them, it was their duty the case, and, if the fact clear the party charged unsullied to the discharge. If, on the other hand, it that the reports were trusted that nothing would House from doing justice. It had been stated, that now a mere speculation that as the fees had been was no longer worth consideration practical point of view God that such were the had not thought that it upon the present and condition of Ireland, not the past would have induced brought it forward. I task which he had taken would abstain as much wounding the feelings of for he could assure them was not actuated by a will towards the party was implicated by his report had been actuated by a he would have allowed have remained uncontrollable, and would not have baron O'Grady any opportunity of operating himself from them they brought against him were confined within a

and embodied so many general principles, that though they related to the judicial conduct of a great public functionary, they were quite intelligible to any individual of ordinary talent, even though he did not belong to the profession of the law.

The hon. member then proceeded to contend, that it was the duty of parliament to watch over the conduct of the judges, and to take care that they did not exact any fees to which they were not fairly and lawfully entitled. Having stated the opinion of lord Bacon upon this point, he informed the House, that in a commission which was issued in the reign of Charles 2nd, to prevent the improper exaction of fees in courts of justice, it was well set forth, that the taking of improper fees was "a dishonour to the king's justice, as well as an increase of charge to the suitors in his courts." In the reign of George 1st, when it was necessary to provide a similar remedy for a similar abuse, the preamble of the act of parliament which was passed for that purpose contained these words—"Whereas divers improper fees have been taken in several of his majesty's courts, to the great oppression of his majesty's subjects." Under the sanction of such authority he had not hesitated to condemn, in his resolutions, the practice of exacting improper fees in the very terms which were first used in the king's commission, and were afterwards employed in the act of the 4th of George 1st. He next reminded the House, that, in the year 1814, on a motion brought forward by his right hon. friend (sir J. Newport), it had been admitted on all hands, that the fees exacted in the courts of justice in Ireland demanded inquiry, and that in consequence a commission of inquiry had been instituted. That commission had presented several reports; and the question on which the House had now to decide was, whether it would allow those reports to remain as waste paper, or would deal with them as the ground-work of inquiry into the conduct of the chief baron of Ireland. It was now the third session since those reports had been laid upon the table; and he trusted that when that circumstance was taken into consideration, no individual would think that he was acting wrongly in calling upon the House to decide upon them without further delay.

The charge which was brought against

the chief baron in the report was, that he had taken ancient fees to which he was not entitled—that he had introduced new fees, and had increased the old fees. In answer to such conduct, he had discharged his duty as a judge of the law, and had given not what kind of answer was due to this charge. If it were a judge, of his own authority, to exact any fees that he thought proper, and if that assertion were taken as law, there was nothing to be said on his part; and, if the chief baron was concerned, the charge was brought to a triumph. But he contended, that, if the fees were made by the other judges, they were not maintainable; and was ready to prove, that if a judge exacted fees, under colour of his office, he was indictable at common law; and that such conduct was submitted to discussion.

Before he proceeded to answer the charge against the chief baron, it might be advisable for him to call the attention of the House to the question, What are fees? In the report of the finance committee, it was defined in the following manner:—"Fees in a court of justice are a tax levied on the king's subjects for the specific purpose of defraying the charges of the offices to which they are attached." The older authorities ever, carried the point. Lord Coke stated, that under the power of Edward the 1st, the Court had the power of itself to increase the fees of an old office, or institute those for that would be an imposition without the consent of parliament. These authorities were to be taken as law. It was clear, that no judge had the right of creating fees by his own authority for his own private emolument. If he would next proceed to prove that he did so exact fees, he was guilty of extortion, a misdemeanour. Mr. Justice said, "Extortion is an abuse of power, which consists in any one fully taking, by colour of his office, any man, any money or thing to which that is not due to him, or which is not due, or before it is due. The punishment is fine and imprisonment, and a forfeiture of the office."

nion, Hawkins, a text writer of considerable authority, also concurred; and therefore, if he should be able to prove that the chief baron had taken that which was not due to him, or more than was due to him, he should make out a case that would call upon the House to interfere, unless it were of opinion, that a judge had a right to set a value upon his own labour, by introducing fees that were not sanctioned by ancient usage, or supported by some express act of parliament.

He now came to the charges against the chief baron, which were comprised under four distinct heads. He should, in the first instance, open the whole of his case, and should afterwards, when he moved the specific resolutions on each charge, refer to the evidence on which he founded it. All the four heads of charge arose out of practices which had originated with the present chief baron; all were cases of fees, which were unsanctioned by ancient usage, and which were instituted for his own emolument. The first head of charge related to fees taken on a decree in the Court of Exchequer. It was, perhaps, only right for him to state, that when a case was brought into the Court of Exchequer, it was first of all set down for hearing; and that after it was so set down, it was heard, and a decree obtained upon it, for which a fee was paid to the chief baron. It happened, however, that cases were often set down for hearing which never came to a decree, from a compromise being made by the parties. He would illustrate what he meant by reference to what daily occurred in that House. Bills were often brought into that House, which, owing to various circumstances, were never passed into laws. In the same manner, cases were instituted in the Court of Exchequer, in which decrees were never obtained. The chief baron finding this to be so, said—"Many persons obtain decrees surreptitiously, and do not pay me my fees; I will therefore change the time of taking them, and they shall be paid, not when the decrees are issued, but when the cases are set down for hearing." The chief baron acted upon this principle, and in so acting did that which was not only illegal, but also a hindrance to the suitors in his court. But, not merely did the chief baron change the time for taking this fee, he also continued the ordinary fee on the issuing of decrees,

and thus received tw was entitled to. He such conduct the chief himself liable to the which were stated in ties which he had already clearly taken, by fees to which he was n He could not exact amount of fees so take very anxious to do care so much about what he did about the pri Against this charge chief baron had set up which the first was, that the first instance—that down the case for hearing deposit, and that it was on the issuing the decree out upon inquiry, that had never given any one who collected these fees deposits; and that in of them had ever been parties who had paid them was, therefore, a suggestion supported by fact; and reported by fact, but directed a prior declaration of himself. The chief baron to a precedent, in which Ireland had ordered cases taken as deposits; but which the chief baron considerable length of time treated as deposits, and to be so treated, the abuse by the officers of the any of the judges.—An up for the chief baron was due upon the execution was an engrossed copy out upon the decree; was not more valid than one, because the fee had cases when, with one it ought not to have been

He now came to the charge; namely, the Writs were of two classes fees were due, on the chief baron, however, his appointment to office be collected upon the grounds? He would He believed it was general the chancellor of the Ex officer of the Court of Ex the custody of its seal.



found out that the chancellor of the Exchequer was bound by his oath not to use that seal, without an order either from him or some other baron. He said that his order could only be communicated by his signature; that his signature could only be communicated to the chancellor of the Exchequer by his authority, and that for communicating it, he ought to have a fee. This statement, however, extraordinary as it might appear, was not more extraordinary than the practice. Assuming that the signature of the chief baron was necessary for the affixing of the seal by the chancellor of the Exchequer, it was strange that the fee should be taken, and yet that the signature should not be affixed to it. That no difficulty might occur regarding these writs, he would state that they were writs of preliminary process.

The next head to which he should advert related to the taxation of costs. The late chief baron was entitled to a fee on examining and signing bills of costs: but the present chief baron, soon after his appointment, discontinued the practice of signing bills of costs, and directed that the fees should be collected for him upon another stage of the proceeding, namely, the writ. Thus fees were taken as for bills of costs where bills of costs were never paid, so that the fee was wholly imaginary. There was but one more case to which it would be his duty to draw the attention of the house. It regarded the difference between English and Irish currency, amounting to  $8\frac{1}{2}$  per cent. When contracts were made in Ireland without the currency being mentioned, it was always inferred to be Irish. The Court of Exchequer of Ireland was divided into three branches—the revenue side, the law side, and the equity side. In the revenue and equity sides, the fees were paid in Irish currency; but, in the law side, some of the fees were paid in English currency to the officer receiving them, who accounted to the chief baron in Irish currency, keeping the difference himself. Wherever, however, an objection was made, the officer took the fee in Irish currency; thus admitting that the additional charge was unsupported by usage or right. When the present chief baron came into office, instead of ascertaining what was legal, he directed, that all the fees on the three sides should be paid in the English currency, the officer having no participation; and thus a large addition was made to his own emoluments.

These were the four cases prepared to support by which he had omitted any thing for the chief baron, he hoped that would be supplied: if he had any part of his statement, to submit to the censure of the house.

The hon. gentleman then endeavored to vindicate the authority of the commissioners, alluding to the bills that had been introduced; and, in opposition to them; and, in opposition to them, he advanced on a forced case two precedents in course he was now pursuing. One of these was the case of lord Oxenden, where sir George Oxenden, a parliamentary commissioner, had reported that the reports were sufficient authority for the House of Commons supporting a motion by a majority against 164. The second was that of lord Melville, who founded solely upon the reports of the parliamentary commissioners. He argued, that it was a case for a committee; but the House refused. It had been the chief baron, that the report was merely *ex parte* statement; but a remark had been made up against lord Melville, but he had successfully contended that the reports of the parliamentary commissioners were sufficient ground for the dismissal of the bill. It was true, that the law existed abolishing the fee, but he was satisfied that if he did not now interpose, and should the fee continue to be taken and the bill passed. The Court of Exchequer admitted that the reports were sufficient ground for the dismissal of the bill for improper conduct; for he had dismissed Mr. Pollock, first of the pleas upon no other ground. It was a little too much, there chief baron now to turn round and say that the reports of the commissioners were not sufficient authority in law. Another precedent to the same effect was the proceeding of the House of Commons to the chief commissioner of the court. It might be said, as in the case of lord Coningsby and sir (the time of William 3rd, the action was applicable to the

another to Ireland; but he did not think that such language would be used at the present day. After having dwelt upon this point for some time, the hon. gentleman thanked the House for the indulgence it had shown him. He had brought the matter fairly to an issue, as an act of justice to the chief baron and to the country. Either the chief baron ought to be delivered from the charge, or he ought to be removed from his station; and it was a matter of anxious interest to Ireland, and of paramount duty on the part of England, that the administration of the law should not only be placed above reproach, but beyond suspicion. The hon. member concluded by reading a string of resolutions embodying the four charges to which he had adverted in the course of his speech. They will be found in the proceedings of the 8th of July, when they were reported to the House. On the first resolution being put,

Captain *O'Grady* said, he need not assure the House that he rose under great embarrassment, which was considerably increased by a knowledge that the last time he had addressed the House on this subject, being unused to public speaking and unacquainted with the usages of courts of justice, he had given offence to the chief justice of the King's-bench in Ireland. He now took the earliest opportunity of saying that nothing could be further from his intention than to give the slightest umbrage to a man of such well-merited distinction and undoubted ability. When he was quoting the authority, and as it were, courting the protection of that high authority, it could not of course be his wish to impugn the noble lord's practice, or to cast imputations upon his conduct. It was not his intention to cast a slur upon any individual, and he hoped that the defence of the chief baron could be conducted without it. He was proud to stand forward on this occasion, because he felt conscious that he could vindicate the injured without the necessity of offending any man. He had awaited this discussion with the most intense anxiety—an anxiety wholly arising from a knowledge of the great disadvantage under which the chief baron laboured in having his case intrusted to the hands in which it was now placed. For he solemnly assured the House, that however painful it might be to him, he would have remained silent, did he not in his heart think that truth and justice carried with them greater force

than the most laboured tack. He would confide in the general question as to the conduct of the chief baron, that, under all the circumstances, it was not fair to attach to them. For the charge, and a call for a severe and just censure of parliament, were quite aware that it was not fair to offer an unbiassed and impartial must arise in his breast. He must exercise of an impartiality, and he trusted that those feelings would credit [Hear, hear!]. He knew that his case was not, he hoped, on the other side, that gentlemen would not so easily be led away by the abatement of the gentleman who had just spoken, who, without impugning the decision, was equally inclined to a candid decision on the merits of the conduct of the chief baron. He therefore requested that he might be allowed to dismiss all undue colour and passion from the result, and that the result ought to depend on matters of fact. The case was to be founded upon the evidence of the commissioners of the Inquiry of Justice; but it was evident that these commissioners, in a most solemn manner, had become the accusers of the chief baron. It remained, therefore, for the House to determine. The case had been laid upon the table of the House; but, previous to the case being put, the gentleman, as it were, in the spirit, had moved for its consideration. An investigation was instantly actively conducted, and eleven resolutions, containing nine charges, were formed. These were examined by the committees, and the charges were reduced to three or four; the hardships of which the chief baron complained was, that in the charges were lessened, and were, like the books of the chief baron, were, like the books of his enemies in vance; and whereas for the charges were embodied in resolutions, on the present occasion, or four charges were embodied in less than twelve resolutions were stated to be groundless, and were appended to the

not to be forgotten, that the commissioners, for the furtherance of their object, had the power of selecting the witnesses, of determining upon the questions to be put to them, and of inserting just so much of their testimony as supported the point that was to be established. Yet it was upon this very appendix, that the chief baron was obliged to rest his defence; and when it was remembered, that with this only he had been able to rebut so many of the original charges without being able to examine or cross-examine a single witness, the wonder rather was, that he had been able to accomplish so much, rather than that he had not been able wholly to do away with the few remaining accusations. The case of Mr. Pollock had been brought forward to show that the Court of Exchequer had acted upon the report of the commissioners, but the fact was precisely the reverse. The court had decided, that the report formed no reason for imputation, and that it ought never to be received in evidence. Nevertheless, much stage effect had been attempted to be given to this case. Another instance cited with the same object was that of sir J. Galbraith, but there the twelve judges unanimously held that the report formed no sufficient ground for putting a man upon his trial, but the attorney-general must adduce his evidence on the prosecution. He did so, and the accused party was acquitted.—He would now shortly call the attention of the House to the circumstances attending the elevation of the chief baron to his present dignity. In the first place, he had given up an office of nearly double the emolument, and he had succeeded lord Avonmore, who, while he devoted the most anxious attention to the public interest, paid but very little regard to his own private concerns. He had thus allowed a system to prevail, which threw all the fees of the court into the utmost confusion. The declining health of lord Avonmore had also occasioned a great arrear of business. Under such circumstances, the different arrangements were made by the present chief baron, which were now wrought up into a criminal charge. The chief baron, in fact, on coming into office, had been compelled to put both himself and his officers in possession of their legal rights—an arrangement necessarily attended with much trouble and difficulty. Still, he had in the end accomplished his object; and he appealed to every gentleman

conversant with the Irish court the measures which the chief baron had not been attended with of business at the bar of the chequer? If the chief baron arrangement, had taken some he was not entitled, he had other hand, many to which undoubted; and it was only common justice from the court to look at the whole of in office, and not at isolated. The first charge now relied upon by the hon. member for Limerick, was the fee taken for signature of costs. He was free to a spirit of the chief baron's defence, but the point had been sufficiently attended to, and that some small receipts might have been taken of that error; but the House would collect, that there was no evidence that, before the appointment of the commissioners' report, the chief baron had been aware of such a charge against the court. Having taken his fees in Irish currency, he would mark, that the same court was sued by the judges of Common Pleas, the chancery chequer, and the master of the rolls. If, therefore, he had been successful at that point, it was an error which had not fallen alone.—The House then proceeded to touch upon the point of accusation—the fees decrees—but we were upon the substance of his statement, tended, however, upon the point wherever abuses had existed, had been unknown to the court, that there was not a shadow of ground, in what appeared before, upon which a criminal charge could be set up against that officer. The measures which the chief baron had adopted, it would be seen, had advanced his claims, either by right or general usage. Supposing the chief baron to have been on ground of defence; suppose that in consideration of the measures which he had introduced into the court, he had thought to institute certain fees in the court, which he had given up; suppose he rest his defence upon the fact that he would he not have the example of the last hundred years?

in what he had done? The commissioners distinctly declared in their report—no matter how far it might be legal for the officers of justice to create new fees—that the practice of so doing within the last hundred years had existed to a considerable extent. And let it be recollected, that this inquiry went to facts which had taken place eighteen years ago; that the public had no interest in it; and that no prospective advantage could be looked for to it. Let it be remembered that these charges had been suspended over the chief baron for three sessions; new proof being in process of collection from day to day in support of them. Had the charges now brought forward been brought forward in Ireland, the character of the chief baron would have been his sufficient protection against them. As it was, he could only entreat of the House not lightly to cast a slur upon the administration of justice, especially in a country where the administration of justice needed every protection which parliament could afford it. [Cheers].

The resolutions were then put *seriatim* from the chair, and the three first agreed to without a division. Upon the fourth resolution being read,

Mr. *Hutchinson* contended, that neither himself nor the committee were in a state to pass any resolution tending to affect the character of the chief baron. He respected highly his hon. friend; but he must nevertheless tell him, that as a man of honour, he was bound not to advance a single step further in impugning the conduct of the chief baron, without first establishing his charges by a most solemn investigation at the bar of that House, affording to the learned judge the opportunity of cross-examining witnesses, and stating his own case. Would any man say that he was prepared to pass sentence of condemnation against a high dignified magistrate, who for eighteen years had discharged the duties of his high trust with satisfaction to the country, on the *ex parte* information before the committee? As the present resolution was the first that referred to the conduct of the chief baron he should move, that the chairman do leave the chair.

The *Solicitor-General* said, that although he had been a member of the committee above stairs, he had been prevented from attending its proceedings so regularly as he could have wished. Whether, with the advantage of more constant

attention, he should take the opinions expressed he could not, as at present, say; but he felt that in every circumstance, to attempt an unfair course against the hon. member for Limerick in the first resolutions of the committee, were resolutions of affirmations, were resolutions of censure, of voting those resolutions most illegally, most unjustly, would add most unbecomingly to the condemnation of a judge of rare talents without giving him an opportunity to be heard in his defence. He was bound to look with caution at the statements of the commissioners; to take the statements with caution, and to take them as evidence. The Commission in Ireland, in the case of the chief baron and sir J. Galbraith, had accepted the report of the commissioners as evidence; and sir J. Galbraith had been acquitted of the charges in that report alleged against him. If witnesses upon whose testimony the commissioners had founded their charges had not been examined on the spot, nor had that

other witnesses nor the judge, in putting their signatures to the report. A man, if he is not any other way bound to accept the report, is bound to give the baron a full opportunity to be heard on the bar of the House, and to allow the witnesses to exculpate themselves, since the hon. member is bound upon the report of the commissioners. It was worth while for the House to take that report, and judge for itself whether it was entitled. What was originally brought forward, and what had become of them? The charge of a fee exacted upon the chief baron made a great show at the time of the commissioners. The judge's fee upon the chief baron's court, was one shilling upon affidavits sworn before him, only one shilling. The promise from carrying all the business to the judge at his own house, made one shilling and five pence in some situations; and this was corrected in, too, by all the other charges that had been struck off. The report of the com-



he knew very well, was now given up; but still it was necessary for him to advert to it. In judging of the value of the commissioners' report, it was fit to see, not only how much of it remained, but how much of it had already been abandoned or disproved. A second charge in the report was, for an addition of five farthings to the fee upon an affidavit taken under particular circumstances. It turned out that the loss arising out of that arrangement was greater to the judge than the gain from the increased fee. Another charge of the commissioners, and one which had made a considerable impression was for an increase of the fee taken for swearing in the sheriff. Now, there certainly was a particular act of parliament, fixing the amount of the fee to be taken for swearing the sheriff; but there was no reason to believe that the chief baron had been cognizant of that act; and his predecessor (lord Avonmore) had uniformly taken the same fee which he took. And here he would ask the House, whether it was reasonable to expect that a judge, when appointed to his seat, should set about investigating, upon the instant, the origin of every fee which he took? Of course he would leave such a matter to his officers, and take probably the same sums which had been taken by those who sat before him. The charge, however, as to the fee for swearing the sheriff was given up, and the next charge in the commissioners report was declared by the committee to have originated in a clerical error. So here were four charges, and four of the gravest charges, in the report which the hon. member for Limerick so much relied upon, entirely abandoned. With respect to the charge contained in the resolution now in debate, the committee had not negatived it, but, on the other hand, they had not confirmed it; and until the chief baron himself was heard upon it, how was it possible for the House to decide? Who was there in the House so well informed upon the case, that he could lay his hand upon his heart, and say to the chief baron, standing for judgment—"I find you guilty?" Had the written evidence, such as it was, been fully considered by the house? The hon. member for Limerick, perhaps, had read it, and one or two other gentlemen: but was it fully in the knowledge of the members, generally, of the House? For his own part, he had certainly read the evidence; but his opinion was, that if it made out

a case against the chief baron, the most only such a case as an answer; and therefore, he would pass no vote of censure the chief baron being fully stressed was laid upon the chief justice with respect to the fees of costs. The case in real—the judge signed the writ and he signed the bill of received for each signature shilling. The signature to costs being merely a matter the judge gave up the practice them, and directed his officer the two shillings upon the writ of taxation. And had happened in some cases practice, that the clerk had fee of two shillings, where the fee would have become due had been utterly unknown to the baron, who had only gone through the course which his predecessor more, had followed before instances of undue charge known; and how were the known to the chief baron? It was a question, that it was an abuse to take the fee without giving the signature, the signature was nothing but a matter of form, it was an abuse which could hardly require an answer. If the clerk took the fee, it was his duty to perform the duty. Well, the fees taken in our courts of law, under the same circumstances, in the Court of Common Pleas in England, took a fee for costs, and the duty was performed by the chief justice but by the clerk. He could not help regretting the measure of the bill for Limerick contrary to law and to constitutional principle. To meet the measure, he himself could not be met by a demand, and as the previous question was applicable he should move that he do leave the chair.

Mr. Hutchinson suggested that he had already moved that amendment.

The *Solicitor-General* said that in this case, he would sit down by the clerk.

Mr. Tierney observed, that it was extraordinary the hon. member should press an anxiety that the measure should not be condemned yet should propose an amendment which would have the effect of

being heard at all. It was his opinion, that the chief baron ought to be heard at the bar, and therefore the House ought to take some step which would induce him to appear. He spoke only to the dry question of form, but pledged himself to no opinion on the merits of the case.

Mr. Secretary *Canning* stated, that he was ready to affirm the resolutions, as far as they were simply extracts of the reports; but as far as they contained matter of accusation against the chief baron, he was not prepared to affirm them. If the committee entertained the charge, he saw no constitutional mode of following it up but by impeachment; but, perhaps, at the present period of the session, and considering the appearance which the House presented, that course could not be satisfactorily pursued. He should be glad if any better mode of proceeding were suggested. Perhaps the proceedings might be suspended after the committee should have adopted an initiative resolution, which would operate as a warning to the chief baron to apply for permission to be heard at their bar.

Mr. *Wynn* was of opinion, that as the two reports contained matters of accusation, the chief baron had already been forewarned of the necessity of entering upon his defence; and he had in some measure done so, by the two letters which he had written relative to those reports. He thought it might be an eligible mode to suspend the proceedings, with the view of giving the chief baron an opportunity of making application to be heard at their bar. He would be glad if an hon. and learned gentleman opposite could tell him whether the chief baron was desirous of being heard at the bar? For if it were ascertained that he was not, the committee ought not to stay its proceedings.

Mr. *Scarlett* said, that in his opinion there was no ground for coming to the last resolution; and, indeed, he thought any resolution would be exceptionable which implied a censure, as the reports only related to matters of fact from which no inferences of crimination ought to be drawn, as there was no proof before the committee, that the chief baron might not be entitled to the fees which the reports stated him to have received. If the resolution were put to the vote, he would move an addition, the substance of which would be, that the practice did not appear to be known to the chief baron.

Mr. *S. Rice* stated, that in the course

of the proceedings which on this subject for the notice had been given to enter upon his defence the fairness of his own said, that any hon. member of having acted point out a fairer mode than that which he had

Mr. Secretary *Peel* there was any difficulty it was by postponement. The modes of proceeding. prove of that course resolution of censure was his opinion, that such a situation ought together, if guilty of the charge, but ought not, stand, to be partial did not approve of the proceeding by *scire facias* in an address. He thought only constitutional mode not consent to follow an order for to each of them made objections presented themselves in this respect had without due deliberation influenced by common other persons. It was the nature of the charges imposing those charges to but for the sake of the not be admitted—still amount to the high crime been alleged against him. He (Mr. Peel) could not think that in such a court as the chief baron presided might be made without. He would not be under it was the duty of a accurately and scrupulously of the officers of his care had not been shown instance, he could not consideration the charge individual, that the neglect grave a punishment. Another objection which latter measure was, its solemnity, which rendered it to the charges now before the chief baron. He knew for some gentlemen to him—"Will you, then, so reprehensible in the cause they are only small should reply, that he

them, nor did he go the length of vindicating the chief baron; but he objected for the sake of the public interests, which were so powerfully upheld upon important occasions by the proceeding by impeachment, that its solemnity should be diminished by exercising it for an inferior cause. If it were objected to him, that what he had now urged in favour of the chief baron ought to have been urged three years ago, he would admit that, as applied to himself, the argument *ad hominem* would be unanswerable, but as applied to the House, he thought it would be a more dignified as well as a more candid course to say, "We have let pass the time at which this charge and the defence would each have had a sure efficient operation; and for this reason it would be better now to postpone it." At the period alluded to, the charges were of much graver import than they now appeared to be. That relating to the fees taken on swearing in the sheriffs had then seemed to be a serious violation of the law. But no person could now say that it had not been materially altered; for it seemed that this practice, unjust as it certainly was, had at least the sanction of the chief baron's predecessors. To this charge, he might with great truth reply, that his attention had never been drawn to the particular statute under which it was received, and that he had never required of his officer information on the subject. Certainly this was no reason why parliamentary proceedings should not be taken; but it was a reason why an impeachment should not be the course adopted. There were also other charges made against the chief baron with which he (Mr. P.) was not satisfied. Considering the burden which the chief baron's duties imposed upon him, the time which they occupied, the importance and anxiety of the office, and the character of the individual by which it was filled, he was prepared to believe, that although grounds might exist for those charges, still they were far from authorizing the charge of corruption against that individual. He (Mr. P.) could not conceal from himself, that a very lax method of proceeding had been adopted for many years, in taking fees in the courts of justice in Ireland. The remedy for this was, not to select any individual as a victim for these offences, but to abolish the system; and this had been done by an act of the legislature. The right hon. gentleman here referred

to a list of the fees claimers in Chancery in 1815, & those allowed in 1735. The continued practice weighed, as a powerful reason why to select the present case to a punishment which had been many years. So strongly that if he were now called between the evils (for the evils) of passing by altogether investigation of these charges, proceeding to impeachment, inclined to choose the least pass them by altogether. We should have decided to postpone before it, it would upon the mode of proceeding had therefore risen in that their notice the difficulties view of the matter, seemed future progress. He could without bearing testimony and intelligence with which of inquiry had discharged itself upon them by the House had frequent opportunities of dealing with them, and he held a more inflexible resolution to mount the obstacles which posed to them. He could do nothing like censure cast upon without expressing his opinion.

Sir J. Mackintosh said, no opinion whatever on the case. If any subsequent proceeding were to take place, there would be opportunities for doing that the committee had heard as fair an accusation from the hon. Mr. Limerick, and as judicious a defence from the chief baron, as any ever been present. When he left the House, which he was unavoidably compelled to do, that the difficulty was not that the house should proceed, but the manner in which that proceeding should be conducted. But now, from the right hon. gentleman's statement, it was understood there was an objection to the inferior proceedings.

Mr. Peel said, he had expressed his opinion, that the proceeding by impeachment would be better than

Sir J. Mackintosh said, the committee, so far from being called upon to decide the question, had not yet formed an opinion upon it. He objected

to the argument which had been used, that the smallness of the offence ought to excuse it from punishment. To sanction this principle would be to sanction the destruction of the judicial body and the character of that House. He thought the chief baron ought to be heard before the House, if he thought fit to apply. Three years had now elapsed since these charges had been preferred; and during the whole of that period the chief baron had not thought fit to petition to be heard by himself or his counsel, at the bar of the House. If his hon. friend would therefore withdraw his amendment (which, though carried, would be no acquittal for the chief baron, but rather an escape, which he would disdain), he would then move that the Chairman should report progress, and ask leave to sit again on that day fortnight, with a view to give the chief baron an opportunity to act as he thought proper in his own defence, and for the justification of his character.

Mr. Secretary *Peel* denied having said that the smallness of the offence ought to prevent a parliamentary proceeding against a judge. What he had said was, that the smallness of the amount almost precluded the possibility of a corrupt motive.

Mr. *J. P. Grant* observed, that if he thought the smallness of the amount precluded the probability of a corrupt motive, he would propose to pronounce that opinion as the decision of the committee, and not pass the subject entirely over by reporting progress. If, on the contrary, he thought that corrupt motives did exist, he should think that, painful as would be the task, the House ought to proceed.

Mr. *Hutchinson* said, that his object in moving the amendment was, not to evade justice, but to do justice. What he objected to was coming to a decision on the merits of the case, in a state of ignorance with respect to them. He was quite ready, however, to withdraw his amendment, if the committee were disposed to adopt any other course.

The amendment was accordingly withdrawn.

Mr. *S. Rice*, to obviate some of the objections which had been made to it, moved the insertion in the fourth Resolution of the words, "appears by, and stated in."

Mr. *Scarlett*, while he coincided in the spirit of the proposition of his hon. and learned friend, observed, that in a fort-

night the chief baron might be heard at the assizes. The delay might be greater. But, was it not the wish of hon. gentlemen would I vote the summer to be postponed? For his part, he deprecated it at so late a period, and recommended its postponement to the early part of the next.

Sir *J. Mackintosh* felt that the *argumentum ad in hon.* and learned friend which had always a good effect on the House. He thought, the decision on the subject postponed to the next session would have a good result in the justice of the House, in an earlier opportunity of reporting progress.

Mr. *R. Smith* was of opinion that the inquiry must stand over for a session. Some notice of the case must be given, not of the nature of the offence, but of the facts, which ought to appear on the House.

Mr. *Canning*, while he supported the amendment to the Report of the Committee, made it, not a fact, but a resolution. He thought the Report of the Committee made it, not a fact, but a resolution. He thought the Report of the Committee made it, not a fact, but a resolution. He thought the Report of the Committee made it, not a fact, but a resolution.

Mr. *Wetherell* thought the amendment was, in what shape it might be abandoned now, in order to be resumed afterwards; he saw no use in agreeing to resolutions, unless they were adopted. If it were not adopted, he would proceed with the investigation the better way would be to refer the whole matter to a future session.

The *Attorney General* moved a resolution to be postponed to the next session. In his opinion it would attach to the charge if it appeared that he had received improper fees; and, according to report, he had only placed it officially to bills of costs taxed, without examining the accounts.

The House resumed. The Chairman reported progress, and asked leave to sit again.

USURY LAWS REPEALED. Serjeant Onslow moved, that the bill be committed. On the question, the Speaker do leave the Cl



Mr. *Davenport* opposed the motion. He contended, that a more disastrous measure for the country could not possibly be introduced. The present bill proved more than any proposition he ever recollected to have been made to the House, the modern rage for legislation. What did the bill go to do? To overturn, at one blow, that system which their ancestors, for ages, had been anxious to establish. It would raise the interest of money to an unprecedented height, and the effect would be injurious to all classes of society. Those who wished to borrow money on the mortgage of lands, would be more especially affected by it. At present, they could procure money at the rate of 5 per cent; but let this bill pass, and they would be charged an exorbitant rate of interest. Gentlemen might say, "If one person in the market won't lend money at a reasonable rate, another will." But this did not apply to persons residing at a remote distance from town, who knew nothing about the money-market. He would move as an amendment—"That the bill be committed upon this day three months."

Mr. *Ricardo* argued, that money ought to be placed on the same footing as any other commodity. The lender and borrower ought to be allowed to bargain together, as freely as the buyer and seller did when goods were to be disposed of. The hon. member who spoke last, feared that this measure would place the borrower entirely in the power of the lender. But, did the present laws alter his situation? Certainly not. Means were found to evade the law; for though the law said, "You shall not take more than a certain interest for your money," it could not compel a man to lend at that particular rate; and, therefore, he who wished to borrow at all events, and he who wished to lend at as high a rate of interest as he could get, both conspired to evade the law. These laws operated precisely in the same way as the laws against exporting the coin of the realm. Now, notwithstanding those laws, did not the exportation of that coin take place? The only effect of the statutes in that case was, to place the traffic in the hands of characters who had no scruples against taking a false oath. They were encouraged to evade the law, and made a great profit by so doing.

Mr. *J. Smith* said, that so far from

thinking this measure injurious to country gentlemen, if he were to devise a bill for their relief, it would be precisely such a one as he would propose before the House. It had been referred to a committee of that House, in consequence of the usury laws, by which persons were driven to raise money at exorbitant charges amounted to 15 per cent. He could state the names of many persons who had been reduced to beggary, in consequence of the failure of certain individuals, who were largely in transactions of this kind. He happened to be chairman of a committee of bankers, and could state the reasons why he wished this measure not to pass. The reason very different from that which influenced the hon. member. It would raise, but they would lower the rate of interest. It was the case with respect to other countries, where no such laws existed. The rate of interest in Holland was lighter than in any other part of the world. There was no necessity for laws to check usury; and, by their efforts, they could not

Mr. *Philips* hoped the bill would be sent to the Committee by which it was discussed, saw clearly the necessity of those laws. Why should it be allowed that a man who had money to lend be placed in a disadvantageous circumstance? The hon. friend would be in error in his actions in landed property. He had heard nothing which could justify the continuance of the existing laws.

Mr. *T. Wilson* agreed with the hon. friend who had fallen from the last speaker. He did not support the present state of the law, but he should not be entirely disposed to support this measure; but, the existing law highly objectionable. He would vote for it. In Holland, where commercial interests were well understood, there were no usury laws. The rate of interest of money could be kept at a high rate, while it was

Captain *Maberly*, seeing the inefficacy and impolicy of the existing laws, would also support the measure.

Mr. *F. Palmer* opposed it, as it would be most ruinous to the country by raising the interest.

Mr. *W. Smith* supported the motion. Mr. *Wynn* spoke on the subject, though he would be the last to support the motion, if he thought

lead to those prejudicial consequences which had been anticipated.

Mr. *Bennett*, of Wilts, thought that if ever the interest of money should rise in this country above 5 per cent, the bill would be singularly beneficial to the landed interest.

The House divided: For going into a committee, 38. For the Amendment, 15.

*List of the Minority.*

Blackburne, J.	Palmer, C. F.
Cheere, E. M.	Powell, W. E.
Desborough, —	Plummer, J.
Douglas, W. R. K.	Pryse, P.
Estcourt, T. G.	Taylor, M. A.
Heathcote, J. G.	Webbe, E.
Jervoise, G. P.	TELLERS.
Kennedy, T. F.	Davenport, D.
Mundy, F.	Williams, sir R.

HOUSE OF COMMONS.

*Thursday, June 18.*

BURNING OF HINDOO WIDOWS.] Mr. *Fowell Buxton* rose to present a Petition from a most respectable meeting of the gentry, clergy, and other inhabitants of the county of Bedford. It was signed by two thousand four hundred individuals, and the petitioners earnestly implored the House to take such measures as may be deemed most expedient and effectual for putting an end to the practice existing in British India of Immolating Widows alive on the Funeral Pile of their Husbands. The hon. member said, that he was anxious to call the attention of the House to this petition, since it not only came from a most respectable body, but related to a question most interesting to the feelings of humanity. It appeared from the papers upon this subject, which had been laid on the table of the House, as well as from other documents equally authentic, that between eight and nine hundred widows were annually consumed alive in our East Indian possessions on the funeral pile of their husbands. Surely, then, some attention was due to the subject on the part of the House. It appeared, that some of these dreadful scenes were accompanied with circumstances of the most revolting cruelty. It often happened, that the same day which deprived a son of his father, beheld him the executioner of his mother; and that he was seen applying the torch to the pile which was to consume the bodies of both. It not unfrequently occurred, that, when the poverty of the par-

ties was such as not procure a sufficient to consume the body, victim of this horrible suffered to linger in agonies, until fresh secured to complete the. It was revolting to humanity to know, that the victims of the expiring the constant subject of brutal merriment to spectators. He had from a friend in India account of many of the tactics. Amongst others mentioned, that, in the burning of the widow the friends and relatives were not able to prevent to burn the body, and arms hung over the flames, while the was slowly consuming. In another case, where these horrible sacrifices voluntary. A young fourteen years of age, by the persuasions of her relatives, to consent to on the pile of her dead. She remained on it for as soon as the unfortunate flames, her agonies became she burst from the pile to effect her escape. She was brought back; and again placed on the pile by her relatives. A petition failed her, and she escaped from the dreadful cast herself into a water. Her scorched limbs; but they sued her, and binding her placed her a third time on the pile. She however burnt a second time; and then one of the spectators pursued her and cut her throat. The hon. member would not fatigue or weary by mentioning other cases which could cite many. But I leave the House, whether there is to which, if possible, ought to put an end as soon as possible? Another opportunity, if trusted, occur, of bringing this more fully under the consideration of the House. He would thank the House for the present, that no further arise from this

throughout British India. That such a thing was practicable the House had already sufficient proof; for it had been put an end to by every other European government possessing territory in India. The Danes, the French, the Dutch, and the Portuguese, had totally prohibited it in their portions of India; and several of the Rajahs had accomplished the same object. And so also, he was persuaded, might our own government, if they would only exert a moderate portion of that promptitude of decision which they exercised on so many other occasions, not half so important. He earnestly hoped that the serious attention of his Majesty's ministers would be directed to the subject; for if something were not done in the interim, he should certainly feel it his duty to call the attention of the House to it early in the next session.

Mr. *Wynn* said, that there could be no difference of opinion, as to the principle upon which the hon. gentleman urged the abolition of the horrible practice referred to. All of them must like deplore the existence of these melancholy effects of superstition. Considerable difficulty would, however, attend any practical measure which might be adopted, with a view to putting an end to this barbarous custom. The cases of successful interference on the part of other nations, which the hon. gentleman had referred to, were not parallel; since it was evident, that the same experiment might be safely made in a small possession, which could not be hazarded without great danger in a territory so immense as that which was subject to the British dominion in India. Horrible, however, as the practice was, it was one as old as any known in India. It had existed at least as far back as the time of Alexander the Great; and it had taken such deep hold of the natives, and was founded on such strong feelings connected with the religion of that country, that he feared that any attempt to put an end to it, by force, would be ineffectual. He therefore much doubted, under all the circumstances, the policy of legislative interference in a matter which it would be better to leave to the judgment and discretion of the local government.

Mr. *Hume* observed, that the subject had occupied the attention of the government in India, and that as strong measures of prevention had been adopted as could well be taken, without interfering with the religious prejudices of the people. By

### *Burning of Hindoo Widows.*

the existing regulations, no be burned alive unless by consent. Certainly, no mean or persuasion ought to be offered to prevent this horrible practice; and legislative interference would lead to dangerous consequences.

Mr. *Wilberforce* said, it appeared to his mind, that if proper measures were resorted to, there would be no greater difficulty in putting an end to this horrible custom, than there was found in putting an end to the practice under the government of the Marquis Wellesley. He was aware that the practice was increased, and extended itself to places in which it had not formerly existed. As the sacrifices being voluntary, how could they be called voluntary, when the victim was bound down to prevent the possibility of refusal? He hoped that his hon. friend would be in his intention of bringing the subject again before the attention of the House.

Mr. *Forbes* said, he had no objection that the practice might be checked by legislative interference, but he had reason to alter his former thought that no regulation would be sufficient to check it. It was the policy of the Marquis of Hastings to take means which had been taken in the East, and which had tended rather to increase than to diminish the evil. The widows were not satisfied with the barbarous superstitious practice which prevailed in India, by being burned, drowned, or buried alive. The practice could be abolished only by the abolition of the victims was not likely to be effected. He was convinced that force would be of no avail; though he believed that a great deal might be effected by persuasion.

Mr. *Money* was of the same opinion, and wished the subject to be referred to a committee, that some measures might be devised for checking the horrible practice.

The Petition was then read forth,

"That the Petitioners with extreme concern the practice of burning alive in British India of Immolated on the Funeral Pile of their deceased husbands; that, from official Returns now published to the public, it appears that the number of persons immolated in the Presidency of Bengal alone, in the years 1817 and 1818, amounted to upwards of 1,000; assuming this calculation to be

whereby to judge of the extent of the practice throughout the whole of Hindoostan, the total number may be computed at upwards of 2,000 in every year; that it further appears, by the regulations passed in India in the year 1815, that an attempt was made, to diminish the frequency of this ceremony, by restricting its use within the limits prescribed by the Shaster, which limits had, in a variety of instances, been exceeded, but that, so far from having the desired effect, this act of interference had contributed to increase the practice, by legalizing its performance in all cases specified by the Shaster; that the Petitioners would respectfully submit, that to allow a custom in any form, or under any modification whatever, which may be justly chargeable with the crime of murder, is to violate the principles on which all civil law can alone be founded and maintained, and no less involves a breach of those laws of God which demand respect from every country professing Christianity; that under these circumstances, the Petitioners earnestly implore the House to adopt such measures as may be deemed most expedient and effectual for putting an end to a practice which, so long as it is suffered to continue, cannot but be considered as an anomaly in the administration of civil law, authorizing a wasteful expenditure of human life, and compromising that character for humanity and veneration to the laws of God, which they trust will ever distinguish the government and people of this country."

The Petition was ordered to be printed.

**HINDOO INFANTICIDE.]** Mr. *Buxton* next moved, for "Copies of all correspondence which has taken place on the subject of Hindoo Infanticide, and of all proceedings of the Indian government with regard to that practice."

Mr. *Wynn* said, he had no objection to the motion, but he feared that the efforts of the government would be found not to have been more effectual in repressing this practice, than they had been in the case of the immolation of Hindoo widows.

The motion was agreed to.

**EMPLOYMENT OF THE PEASANTRY OF IRELAND—MR. OWEN'S PLAN.]** Mr. *S. Rice* presented a petition from the *Hibernian Philanthropic Society*, praying that the House would take into considera-

tion Mr. *Owen's* plan of the poor, with the view how far it could be a ployment of the peasantry. The petition was from a private body, and, as such, not a subject of the House. Upon the particular plan recommended by Mr. *Owen*, he would offer that some plan which would be a ployment to the poor in Ireland much called for, there was much to be said. To those who would be interested in that country, such an opportunity of asking a question was of great importance. He would, therefore, ask a gentleman, whether he would be in favour of the appointment of a committee to inquire into the employment of the poor in Ireland early in the next session.

Mr. *Goulburn* said, he had no objection to the appointment of a committee. On the contrary, he was in favour of such a measure his best friend. He feared that if the committee were to employ themselves in considering the employment of Mr. *Owen's* benevolent intention, they might be, they were at the same time not very well able to devise some measure to be carried into effect.

Ordered to lie on the table.

**OLIVE (STYLING HERSELF PRINCESS OF CUMBERLAND.)** Sir, for the purpose of moving a resolution which he had on that subject presented from the Lady *Olive*, princess of Cumberland, he referred to a select committee. He observed, been now applying, but without effect. The sum of money which had been bequeathed to her late king, which she deemed necessary for the payment of the poor, he was afraid he should make himself understood as a member of that House not an old speaker in it, that the cause of this law was much advanced by any eloquence of his. The eloquence which could cause appear good; but he would have taken up the time, he thought it always a



ther good or bad, however, he had undertaken it and would go through with it. He had always believed that every member of the royal family was on the civil list; and that it was not in the power of a minister to say, that a member of the royal family should have nothing to live upon. But here was a member of the royal family who had nothing to live upon. How was this matter to be settled? He had always understood, that by the British constitution, there could be no wrong without a remedy. But here was a lady suffering a great wrong, for which she had hitherto no remedy. He would now come to what he thought ought to be done in the case before the House. If she were an impostor, he claimed that ministers should protect the dignity of the royal family from the imposition. This lady was in possession of certain papers, not rejected by the public or by any tribunal, but at the same time producing no benefit to herself. He would not enter into any detail of the case—not because he had nothing to detail; but he had it in command from this royal personage (and he should call her royal until she had been proved to be otherwise), to say nothing that could be in the smallest degree offensive. He had it also in command too from this royal person to himself if no good answer were given to him, to say something that would be very strong, both to the ministers and to the country [a laugh]. He should move for the appointment of a select committee on the petition he had presented three months ago. He had not neglected to take up the matter earlier through fear. Fear formed no part of his composition. He would pursue this lady's claim to the death, until she had obtained her rights. When it was shown that she had no claim, and not till then, he would give up the matter [Hear]. If the petition were not understood, he begged that it might be read again; for no man had a right to sit, much less to vote, upon a case until he knew the merits of it. No person who could treat such a subject with levity ought to vote upon it. To give judgment against any person without knowing why, would be still further to prove the necessity of the parliamentary reform sought for by the people. He pretended to say, for one, that he was a representative of the people; and, if a reform took place in parliament, if he did not come in again he should be very much surprised [laugh-

ter]. But while he was sitting was by no means for revolution one of the oldest members. He had gone through the Pitt's administration. He parliament with "Pitt and tion" on his cockade. That had been his watchword though if it had been corrupted then the blame lay somewhere. That was a grievance it ought to return to the case before. He must say, that great blamable to those who had the question. I am determined the hon. baronet) to rectify am resolved to persevere. find the means of doing find them somewhere else—"Flectere si nequeo Sup movebo."

[loud laughter]. He went that the petition of Ol Cumberland, which he had to present on the 3rd of M be read [It was according clerk]. Perhaps it might him to enforce this question any disposition on the part grant the select committee edly meant to present the form as not to be personal to the rest of the royal family. There was no man in the attached to the royal family. He had worn the prince's l years, and had had the h very intimate with his p When Prince Regent, he l land, and had no where more loyal than those u Noel's) estate. He was the present proceeding, an the good sense and discretion would shew them the necessity this woman an impostor; in fact. Such were the gr he most pertinaciously too of this lady as a royal p hoped that some hon. ge second his motion for a co out the necessity, on his j more. He did not wish to ject, or to pretend that he k that he dared not speak. wish to avoid the question. What he wanted was, to av sive; and he had it express from the royal lady to be r would therefore conclude

"That the said petition be referred to a Select Committee, to examine the matter thereof, and to report their observations thereupon to the House."

Mr. *Hume* said, he seconded the motion with great pleasure; not because he had any acquaintance with the petitioner, but because, after what had publicly occurred on the subject, it appeared to him that her claims had become a serious question which ought to be settled. The petitioner claimed to be a branch of the royal family. Whether she was so or not, he did not know; but ministers, in defence of the dignity of the royal family, ought to take some steps against a supposed or real impostor, who in every newspaper had publicly asserted her right. It appeared that the petitioner was in possession of certain documents, one of them bearing the signatures of his late majesty, of Mr. Dunning, and other witnesses. This appeared to be a good document. The right hon. Secretary seemed to intimate a doubt regarding it; but the signature of Mr. Dunning had been proved by the best evidence that could be found. This document, formed the principal ground on which he (Mr. H.) seconded the motion; for it appeared that his late majesty died without a will, and in common acceptance it appeared to him that this paper was a will, and that it could be so proved before the proper courts. This lady had been imprisoned for debt, and her creditors had brought her claim into court, demanding to be administrators of the personal property of his late majesty. This ought to have been done by the party who took possession of the personal property of the late king, for there was nothing in law, that he was aware of, that ought to have prevented it. The judge in the court to which the petitioner appealed, had not pretended to deny the authenticity of the documents. He had only said, that he had no authority to take cognizance of the claim. He himself had seen a document in the late duke of Kent's own hand writing, stating that lord Warwick had told his royal highness the whole transaction, as also that he had been ordered by his late majesty not to disclose it until after his majesty's death. The duke of Kent was so convinced that this statement was true, that, under his own hand-writing, he had promised to pay this woman a certain sum of money; thus showing that he believed her to be the legitimate daughter of his

uncle, the late duke of Cumberland, but he was not necessary for of the early marriage of Cumberland, but he ministers ought long tuted some proceeding. At present, it seemed the committee was the only means and for this reason he sent motion.

Mr. Secretary *Peel* the baronet had imposed of rather an embarrassing subject was so exceedingly he really felt called upon the House for occupying it. It seemed that considered himself acting in violation of a royal command individual for whom he princess of the blood. was not his (Mr. Peel) upon the whole, perhaps he could pursue was, to and those facts which it the hon. baronet to elicit the case in silence might firm groundless suspicion therefore proceed to show was either herself practising a fraudulent imposture, or the innocent dupe of others. had omitted to state his therefore necessary for to detail it; and he would as possible. There were the name of Wilmot; the first, the other a Mr. The person now claiming of Cumberland was Robert Wilmot. Proof of baptism existed, and for time she had been of humble origin. But in (very possibly before she pretended to be other person discovered that she was not of Robert Wilmot, but of Cumberland, brother to Geo. 3rd. She did not pretend that she was the illegitimate daughter a petition, signed "Olive" presented to his majesty on her behalf, which contained—"May it please your majesty to attend to the attestations of this lady to be the daughter of Cumberland by a Mrs. of a captain in the navy.

the sister to Dr. Wilmot, and this lady was born at Warwick, and the attestation of her birth is both signed and sealed by the matron and the medical attendant." This petition went to prove that she was the illegitimate daughter of the duke of Cumberland; but in 1819 the lady became dissatisfied with this distinction, and then she discovered, and produced attestations to prove, that she was the legitimate offspring of the duke of Cumberland by the daughter of Dr. Wilmot. She alleged, that Dr. Wilmot had a daughter who was privately married to the late duke of Cumberland in 1767. It was known that the duke of Cumberland was in fact married, not to Miss Wilmot, but to Mrs. Horton, in 1769. Of course, the ground of the petitioner's claim was, that the duke of Cumberland had been guilty of having been married to her mother two years before his union with Mrs. Horton. After the death of lord Warwick, and of every party who could prove the signatures, the petitioner produced several documents to show that there had been a private marriage in 1767, and that she was the offspring of it. The marriage at that date would have been legal; the royal marriage act not then having been passed. She also produced various papers to account for the secret having been so mysteriously kept till the year 1819.

Sir G. Noel interposed to state, that the late lord Warwick had given the papers in question to the duke of Kent. The petitioner did not obtain them until after the death of lord Warwick.

Mr. Secretary Peel added, that they had not been forthcoming until the death of every party whose signatures they purported to bear: even the accoucheur who attended her mother, died in 1818, a year before the claim was advanced. The attesting witnesses were, Mr. Dunning, lord Chatham, and lord Warwick, and their names were used to prove a secret marriage, and the consequent birth of a child in 1772—no other, as was pretended, than the present Mrs. Serres. To account for the long belief that she was really the daughter of Mrs. Wilmot, she asserted that Mrs. Wilmot having been delivered of a still-born child, the petitioner, the daughter of the duke of Cumberland, was substituted for the sake of concealment, and that Mr. Dunning and lord Chatham had consented to that substitution. The story was full of fabrications from beginning to end. They

were easily detected. But show, as he was prepared that of the documents were forgeries, the presumption would be complete that they were not more authentic. The two most important documents, the supposed will of his late majesty, and the pretended certificate of marriage. The petitioner claimed under an instrument which was a will, signed on the 2nd of October by his late majesty, and by Mr. Dunning, Chatham, and others. The terms of the bequest were that the sum of 15,000*l.* should be paid to our said neice, for her maintenance, and he would be observed, that he had witnessed, among others, lord Chatham in 1774; but that nobleman had not held his office in 1768, and he had not held any public employment. He made a speech in direct opposition to the king's government; and in January, 1775, he made a speech to his majesty, to withdraw from Boston. Those who were the friends of his late majesty could not believe, that under such circumstances he would select lord Chatham as a confidential man in a private transaction. But to the recorded speech on that occasion, it would be found that that noble lord actually said with these words: "As it is an honour of access to his majesty, I endeavour to transmit to him my ideas of America, to the misadvice of his presence. But there was another of his majesty's commands, said to be signed by him, of a still more extraordinary nature. Would the House believe that lord Chatham's known conduct could have done so dishonourable a thing? He put his hand to a certificate of marriage, which his signature appended: It began—"I am married to the flames after my death," he testified, "that the duke

\* See Parl. History, 1

having subjected himself to the crime of bigamy, we have agreed to let his daughter Olive be the sacrifice." It was signed "Warwick and Chatham." It was on the 20th of January, 1775, that lord Chatham had made his motion respecting the troops at Boston; and in six weeks afterwards it would not be easy to guess on what service his lordship was employed.—His name was appended to a document couched in these terms—"The princess Olive, only child of Henry Frederick, duke of Cumberland, and bred up as my brother Robert's daughter, maybe known by a large brown spot." [Laughter, and cries of "Where? where?"] He should touch upon the brown spot by and by. He hoped that hon. members would restrain their curiosity upon this point for a few moments. If they did not think fit to satisfy themselves upon the subject, he would inform them, that according to the grave testimony of lord Chatham, the said large brown spot was of a liver colour, and that its situation was on the right ribs of her highness the princess Olive of Cumberland. [Much laughter.] It was indeed putting the distaff into the hands of Hercules to call upon lord Chatham to bear witness to this delicate but important fact. Nor was it very likely that the authentic signature of Mr. Dunning should be affixed to this pretended bequest. However, whether it were or were not, this document was comparatively unimportant; because, if the marriage really took place, Mrs. Serres was to all intents and purposes, princess of Cumberland, and nothing could defeat her claim to that title. It was necessary, therefore, to examine the certificate of the marriage, which was dated March 4, 1767, and was in these words—"I hereby certify that Henry Frederick, duke of Cumberland, was this day married to Olive Wilmot, and that such marriage has been legally and duly solemnized, according to the rites and ceremonies of the Church of England." It was signed "James Wilmot," present "Brooke," "J. Adder." "G. R." was also appended, but for what purpose did not appear. This document was intended to make out that the marriage was solemnized by James Wilmot, the real uncle of the petitioner. It was often astonishing to see, in how many points, a fabricated story might be detected. Now, it was a fact, that James Wilmot was a fellow of Trinity College, Oxford, and unfortunately for the peti-

tioner, on that very day he was resident there, the books of the college Oxford on the 5th of March much for Mr. James V the signatures of the late lord and of J. Adder remained of. The late lord Warwick appeared to have signed his father being still alive again, the late lord Wilmot succeeded to the title, he "Greville." He was present at the entry of the burial of his father, and his servants knew him by that title his father's portrait was bequeathed to him. He had in his possession of a letter from lord Warwick, stating that the late lord Brooke had not been born but himself. The instrument had therefore the present practice of the signature "J. Adder." It had been sent down to inquire if there existed any such a person; and by it he was rather startled to be the medical attendant of the family certainly was a further investigation, it turned out, that the real name was James Haddow; that he was of St. Andrew's, and that lord Warwick generally, in his signature, had omitted the letter H altogether, and had substituted a W at the end of it. The vulgar mispronunciation of the name was the framer of this precious piece. Having touched upon these points, he apprehended it was enough to satisfy the public from all sides.] It was therefore, to go into other details, even the hon. baronet himself, the fealty he had probably admit that the claim was disproved. If, however, the baronet was inclined to pause, there was one pretence he (Mr. Peel) did not wish to least discredit. He held a manifesto signed "Olive, the high dignity of princess by virtue of her relations to Stanislaus, as she here presented herself as the legitimate daughter of the duke of Cumberland." It concluded in the



loved nation of our ancestors, your Olive lives to anticipate the emancipation of Poland. Invite us, beloved people, to the kingdom of our ancestors, and the generous humanity and wise policy of the emperor Alexander will restore the domain of our ancient House." It went on to assure the Poles, that her legitimacy, as princess of Poland, had been fully proved in England. Thus it appeared that this lady had two strings to her bow. With her claim to be a Polish princess he had not the slightest wish to interfere, but should sit down satisfied with having shown that she had no pretension whatever to that rank in England.

Sir Gerard Noel, in reply, contended that the House ought not to be satisfied by the pleasantry of the statement of the right hon. gentleman. Assertion was no proof. If lord Chatham were out of office, it did not show conclusively that he had not signed the documents bearing his name. If the right hon. gentleman had nothing to fear, why did he not consent to the committee? He should press the question to a division, if he stood alone, and did not retract an iota of what he had stated.

The hon. baronet, on consulting with one or two members near him, afterwards said, that he would not be so impertinent as to trouble the House to divide. The motion was therefore instantly and loudly negatived.

BRITISH ROMAN CATHOLICS TESTS REGULATION BILL.] Lord Nugent having moved the order of the day for the second reading of this bill,

Sir G. Hill said, that he rose for the purpose of expressing his unqualified dissent to the measure. Those who advocated the bill did so from an opinion that the peaceable demeanour of the English Roman Catholics entitled them to at least a participation of equal privileges with those of that persuasion in Ireland, whose conduct was the very reverse. He wished, however, to warn the gentlemen of this country against a measure which had produced such injurious consequences in Ireland, where, he would assert, they had not enjoyed one year of substantial tranquillity since 1793, when the elective franchise had been conceded to the Catholics. Whereas, from 1783 to 1793, when they had no such privilege, the country was at peace. If this bill was passed, he was convinced that energies

which had long lain dormant, and all the sin belonged to the Catholic be called into action.

Mr. W. Bankes could not see the stage of this bill to pass, with his protest against it. He altogether, notwithstanding in the condition of the English Roman Catholics.

The Attorney General would oppose the bill, but he wished to make objections to the clause which would relieve every person from the oath of supremacy.

Mr. Peel said, that in the present stage he saw many objectionable things, but he would not, however, object to the removal of the oath of supremacy on the part of the candidates for office. As to the elective franchise, he would not grant it to the English Roman Catholics without any restriction of qualification for office generally. He considered the oath to be indispensable for a Catholic to be considered on a more favourable footing than a testant or Dissenter.

Mr. Bankes thought the House should proceed until the House was supplied with better information, as it, than had yet been afforded, was phraseology of the bill was not correct or explicit, even the suggestions suggested by the noble lord himself. Did the noble lord think that English Roman Catholics were to take no oath at all, and that subjects not even to be considered the same obligations as Protestants and Church of England? He intended, that if the bill should ever pass the House, it would be necessary very considerably to alter the present list of excluded persons. His main objection to the bill was to the constitution of the government: for he was decidedly opposed to extending to Roman Catholics the elective franchise in any respect to Scotland, the noble lord's bill would emulgate the act of Union.

Mr. Wetherell said, that he contented himself with briefly stating his objections to the bill; but he should feel it his duty to state almost every line which it

was at present so worded, as to exact nothing short of the dissolution of the principles of the test and corporation acts.

The bill was then read a second time.

## HOUSE OF LORDS.

Thursday, June 19.

STATE OF IRELAND.] The Duke of Devonshire rose to submit his promised motion on the State of Ireland, and spoke nearly as follows:—My lords; it was not my intention to occupy the time of your lordships until an opportunity should present itself on the discussion of the subject which was expected before this to have been brought under the consideration of this House. But fearing that the delay which has occurred in another place might prevent that discussion from coming on in due time, and feeling, that it would be a great misfortune if this session of parliament were suffered to terminate its proceedings without allotting one night at least to the consideration of the State of Ireland—of the wrongs of its people—of the acts and conduct of its government; I have, therefore, my lords, however ill qualified to discuss a subject so important and so comprehensive, yet, trusting to the indulgence of this House, and to the active support of the noble friends by whom I am surrounded, stepped forward to call your attention to the state of Ireland, to the sufferings, and just complaints of the people. My lords, I am the more desirous to do so, because it is easy to foresee that we shall be again called upon to continue that rigorous and coercive system under which Ireland is suffering—under which she has suffered so deeply and so long. My lords, I am most anxious to suggest to the House the means that strike my mind, as best calculated to lead the way to the mitigation of those evils which have damped the energies, and retarded the progress of improvement in a country rich in natural advantages, and richer still in the character of its inhabitants.

My lords, the distracted state of Ireland at this moment, the distress and discontent which prevail there, shew that there is something essentially wrong in the nature of its government. Where a people are suffered to live under the fair protection of just and equal laws—where industry is encouraged and rewarded, and the necessities and comforts of life are enjoyed, it is scarcely possible to suppose that the

people would wantonly security of themselves for the purpose of acting conspiracy against the government and the conduct which would, lead to shame and punishment in a country where the people are respected by the people, not protected by the law. The system of government that the laws have not eradicated evils which have ancient prejudices and bad administration. In such a state of things, the legislature to adjust a system, to the end that it be righted and the government My lords, we are all at a melancholy truth—not the state of Ireland is alarming, difficult to devise a speedy remedy. But surely, it will be too strongly impressed upon your lordships, see that actually in progress to do dear and valuable rights of Ireland, that those rights are interfered with, without being made by the House. The causes of the present state remove prevailing abuses, and in their stead a wise, a liberal system of government.

My lords, in tracing the state of Ireland, it cannot be denied that one of the laws which affect the Catholic population is a prevailing cause of discontent, whilst all relaxation is sternly refused—a course contrary to the principles of sound public justice—it is in any human power can be remedied and permanent tranquility. My lords, it is high time that the House take into its consideration the Catholic question. Upon this question at rest, by which the people their rights, it is your duty to abandon that system, of partiality, and to have so long prevailed—mitigate the evils that result from that system—or to consider the opinions of the people, who are so much affected. It would be very foolish to suppose that the adjustment of the Catholic

be alone sufficient to remedy the misfortunes of Ireland. No, my lords, the miseries which afflict her have been too long cherished, have sprung from too many sources, to be removed by a single measure; but, whilst that measure is left undecided, whilst so much cause of discontent and jealousy remains, it cannot fail to excite irritation, to foster dis-union and to interrupt the progress of every beneficial or conciliatory measure that may hereafter be adopted.

My lords, the state of the Irish government—its policy—its practice demand a complete and thorough examination. In a country discontented and divided as Ireland is, no hope of amendment can be cherished—no safety for the people, no respect for the government can be established—unless equal laws are enacted, and an equal and impartial distribution of justice is observed towards all classes of his majesty's subjects. My lords, there is but too much reason to fear that the narrow and illiberal policy of those who have, unfortunately for Ireland, borne sway in that country so long, has greatly diminished, in the eyes of the people, that respect for the laws, and that confidence in the pure and impartial administration, which it is so desirable to inculcate in the breasts of the people. My lords, a very different system is now carried on, with reference to the government, from that which policy, justice, experience, would sanction—a system of indecision and of trimming—a system which can inspire no confidence, and achieve no good object. My lords, the reasonable but ardent hopes that were entertained by the people of Ireland have been destroyed. Their claims—far from being satisfied—have scarcely received the benefit of a common discussion; subjects, deeply affecting the peace and safety of that country have been passed over; have been trifled with—and those who have acted thus have defended this unjust, improper, and unconstitutional course, by declaring that their object was, not to give a triumph to either party. The natural consequence of such conduct has been to spread the progress of discontent. The truth, my lords, is, that the power and government of Ireland are entirely in the hands of a small number of men, known by the name of Orangemen. They are strongly opposed to the people in feeling and in interest. Conscious that they have no claim on the confidence of their countrymen, whom they have uniformly in-

sulted and oppressed, they act on the principle of fear and hatred; on the part of the people, looking on those men as the authors of all their sufferings, maintain jealousy and suspicion to the same degree. Such is the melancholy state of Ireland, and so must it continue, as long as one party is put in authority over another.

My lords, can any one doubt that it is the first duty of the legislature to provide, if possible, a state so shocking and alarming, as that which Ireland presents? But it is not by half-measures that it is not by divided councils—the doctrine, that a triumph must be given to either party—that any plan can be applied. One law for the Protestant, another for the Catholic; coercion, another for relaxation; a different state of administration—such a policy upon subjects of the same interest—can inspire no confidence, and lead to no good results. It is the duty of the government to declare the course which it is your duty to pursue. You must either adapt your government to the people and interests, or, on the other hand, you must invest the Orange party with the strongest power, and put down the claims and hopes of the people.

My lords, there is another source of discontent in Ireland to which I allude. I mean the Tithe system. I recollect, at the close of the last session, a pledge was given by a noble earl at the head of the government, that the subject should be taken into consideration. I am sure certainly ministers have so far forgotten that pledge, as to introduce no measure which is now in progress in order to relieve the poor. It would therefore be improper for me to say anything with respect to it. I shall content myself with expressing my hope that it may not turn out to be entirely nugatory; that it may have a beneficial effect on the public feeling; that it may give comfort and tranquillity to the people, and safety to the government, and to the Established Church.

My lords, in conclusion, if I am allowed to hazard an opinion upon the measures that are now proposed, I should urge the consideration of the Catholic claims—a liberal and satisfactory arrangement with respect to the power—an abridgment of the power exclusively of the Protestant party which has long and so shamefully ruled Ireland—and a just and impartial administration.

laws. If it should be said, that with respect to some of these measures, ministers are disposed to adopt them, then, my lords, it is our duty to see that the measures of ministers are really efficient—that they are not such as can only prove more clearly the evils complained of—but measures of importance calculated to ameliorate the condition of the people. My lords, the appointment of the noble marquis at present at the head of the government of Ireland to that important station, was heard of with great satisfaction, and inspired his countrymen with considerable hope; but I cannot help expressing my disappointment that the opinions of that noble person on the state of Ireland have not been communicated to the House. It is impossible that he must not have formed an opinion on the events which have taken place in that country for the last year. I should be curious to ascertain if the noble marquis adheres to the opinions formerly delivered by him in this House. If he does adhere to them, then I should like to ascertain how it has happened that those views have not been acted upon. My lords, feeling strongly that inquiry into the state of Ireland is called for by policy and necessity—that it cannot fail to produce a most salutary effect, if the people can be made to believe, that there is a fixed purpose on the part of the legislature to inquire into the grounds of the evils which oppress them, that, whilst the government have been obliged to have recourse to the extremity of power, the parliament have shown a disposition to introduce and carry into effect measures calculated to heal the wounds which oppression had made, calculated to promote the interests, to increase the happiness, to enlarge and secure the liberties of the people. I beg to propose the following resolutions:—

1. “That this House has learnt with the deepest regret, from the information laid before it during the present session, by command of his majesty, that a general spirit of violence, manifesting itself in outrages of the most alarming nature, has for some time prevailed in many parts of Ireland, and that, in the opinions of his majesty’s government, extraordinary powers are required for the protection of the persons and property of his majesty’s subjects in that kingdom.

2. “That this House will be ready to concur in any measures which may be found indispensable for the prompt and

effectual suppression of but experience has proved that force, however necessary, has not been sufficient to eradicate the magnitude and frequent recurrence of a belief that there must be some material defect in the state of the laws, and the system; to the examination of a view to the adoption of and effectual remedies, this House to apply itself with delay.”

Earl Bathurst denied evidence to substantiate against his majesty’s government the noble duke’s speech in the parliament had, since the Union, been employed coercive measures, it was to the Statute book, to the nature of that charge. of Ireland was undoubtedly the first importance; a free importation of corn into this country from Ireland at the same time that the free importation from other countries and from our colonies was forbidden, and the monopoly market was thus given at a subsequent period when duties were raised at which corn imported into this country from other countries and from our colonies suffered to remain in the Ireland. However much the ministers differed as to the measure, they all agreed in the most important boon which was conceded; and, if their lords had the quantities imported, that, in the last year, it was as compared with the Union. Let their lords consider the different measures introduced for the improvement of justice which was the first object which the noble duke had called for from the manner in which it was mented on it, their lords would not suppose that no one had adopted relative to it. I have here instanced the present practice of selecting the sheriffs similar to the practice of the corrected mode of levying recognizances were for the improvement of receiving



juries, and not, as before, finding their bills on the depositions taken before the magistrates; and lastly, the Police bill, which had recently been passed, and of the good effects of which they had the testimony of the noble marquis at the head of his majesty's government in Ireland. There was also the introduction of petty sessions into that country—a measure of the greatest practical utility, and conducive in a great degree to the ends of justice. It had been the practice of a man who had a complaint to make, to go before some magistrate who he imagined, from similarity of political sentiment or other causes, might be favourable to him; but now, each magistrate was checked by his fellows, and by their acting under the control of public opinion. The control also which was placed on local taxation by the grand jury presentments bill, would be a great advantage to the country. The importance of this measure would be apparent to the House, when they recollected, that at the time when the whole revenue of Ireland was only four millions there was little less than one million collected under the authority of grand jury presentments, of which no account was rendered to the public. Another measure by which Ireland had been benefitted was, the advance of money for public works, to be repaid by instalments, and the sums granted for extending and improving the fisheries. The noble lord (Clare) who seconded the petition presented by a noble duke (the duke of Leinster) relative to Mr. Owen's plan, had thought proper to complain, that government had done nothing towards providing for the poor of Ireland; but, if their lordships would compare the sum voted this year for that purpose (30,000*l.*), and look to the sum which was voted by the Irish parliament (only 300*l.*), that comparison was sufficient to relieve the Imperial parliament from the charge of neglecting that country. If the subject of the noble duke's petition should be thought necessary to be considered, there was every disposition in his majesty's government to take it into the fullest consideration. Not that he meant to give any opinion on Mr. Owen's plan, but merely to express the desire of his majesty's government to concur in any rational plan for the improvement of the condition of the people of Ireland. The consolidation of the two exchequers was another measure of great benefit to Ireland. By

that measure she was relieved of the payment of the two-seven annual charge, as stipulated in the Union; and the present sum paid was, in fact, only two-thirds instead of two-sevenths. By that measure the taxation of the country had also been greatly relieved. The window-light duties had been lessened; and this year still more. The alterations of taxation were to take effect in Ireland as about to be reassessed taxes, at the same time as in the country remained burdened with the same proportion of those taxes. It was not fair to represent the parliament as only employed in devising measures of coercion? It was very true that coercive measures were at present in force to a limited period, it was necessary to renew them: but for the benefit of Ireland they were rendered permanent, and that moment silently and to her advantage. The noble lord complained, that there was no voice in the councils of his majesty's government; but, did not the measures he enumerated deserve the name of conciliation? They were not measures that did they operate to benefit the people to the injury of an individual? He embraced the whole community, and extended relief to the most universal. As to the measure called Catholic Emancipation, it was a large subject to be discussed in conjunction with others. He was therefore, that he need not trouble their lordships for declining to discuss it on the present occasion. He was in favour of the motion now before them, as it differed little from that which was proposed by a noble marquis last year. The noble marquis had then recommended the duties on the distillation of spirits to be lowered, and it had been done: the noble marquis had recommended that the country should be relieved in other respects, and it had been done: He complained of the evils arising from the number of absentees, and had recommended the necessity of adopting some measures to encourage the residence of the gentry of Ireland. The measure of the assessed taxes was an example of that nature. Another benefit was the commutation of tithes, now under consideration; and whatever could be done for the general good of Ir-

continue to find, as it had found in these instances, an honest attention on the part of his majesty's government. For the reasons he had stated, he could not agree to the proposition of the noble duke; but, being unwilling to meet it with a direct negative, he would content himself with moving the previous question.

The Earl of *Clare* said, that his noble friend seemed to think he had complained that government had done nothing for Ireland. Now, his observation was, that enough had not been done in the way of amelioration, and that the extent of the wretchedness was not known in this country.

Viscount *Clifden* said, he was aware that, according to the arrangement made at the time of the Union, Ireland was to pay about seven millions and a half towards the general expenses of the empire. But the wretchedness to which that country was reduced rendered the payment impossible. Government, however, would have a Union, and they must take the consequences. One of the great grievances of Ireland was, the number of her absentees, which number the Union had increased; but the evils which a long system of misgovernment had imposed upon that unhappy country, were as numerous as the stars of heaven. He strongly condemned the tithe-system in Ireland; which, he said, had been the main cause of all the burning and bloodshed which had occurred. Even in England the tithes occasioned great discontent, but in Ireland they produced misery unparalleled. It was said, that tithes were of divine origin. It might be so; but this he knew, that they were the cause of envy, hatred, malice, and all uncharitableness. The very mode of their collection was oppressive in the extreme. The proctor did not go till the crop was taken off the grounds; and then, if the farmer did not agree to his valuation, and submit to his demand, he was taken into the Bishop's Court, where the vicar-general was not only a churchman, but was judge and jury in his own cause. Their lordships, as a body, knew no more of the state of Ireland and her sufferings, than they did of the state of Japan. He did not pretend to decide the precise point where obedience terminated, and resistance might begin; but this he knew, that it would be difficult to conceive a case of greater oppression than that of empowering a person to decide in his

own cause, however racter or pure bi The noble earl had to mitigate the problem; but it was bill would ever and he could tell that they would from Ireland. In was not in the same ness and violence provinces; because which had brought the other parts had there. This was upon the tendency noble lord then to ferent branches of away through ( ticed the expression high in office, with trade; namely, the manufactured in Ireland to England. In policy, the woollen out of Ireland, and and indigent population rate spirit of hatred of such ill-judged was not the policy deric of Prussia, as as he was; the produce manufactur Poland, and the Magdeburgh. It was none of that now, but the improvement until it was removed the people by the vernment, it was union of the country They should repeal absurd and vicious which so many could and lighten the Establishment. church was a church though they might the support of the of tithe was out wished for nothing to see the two in sense of the word pily accomplished come the great but until it was, to be a millstone source of weakness The noble lord could his determination

The Earl of *Darnley* said, he had been anxious, from the beginning of the session, to draw the attention of the House to the important subject now before it, and should therefore take that early period of the debate for submitting his sentiments to their lordships' consideration. He felt that the time was now come, when the government should put its shoulder boldly to the wheel, and without fear of consequences, reverse the system which had been so long and injuriously acted upon in the sister country. If a decisive step of this sort were not speedily adopted, that island, which might have been made the best bulwark of the empire, must inevitably fall to destruction. Although many laws had passed within the last twenty years for the amelioration of the sister country, they had proved of little use. Even recently, after having confided in the hopes which were held out by his majesty's ministers that the situation of Ireland would engage their closest attention, although they certainly had introduced some acts which appeared to be of a beneficial tendency, he was now obliged to come to the conclusion, that nothing had actually been done for the unfortunate country in question. It was indeed true, that, in the other House of Parliament, many wearisome nights had been spent upon a late investigation relative to Ireland; but, instead of its producing any benefit to that country, the result had been—the triumph of an intolerant party, and the elevation of an obscure stationer in Dublin to the head of the Orange faction. He must also admit that the subject of the Commutation of Tithe had engaged the attention of the other House of Parliament; but he doubted whether their lordships would ever see the consummation of the measure. The bills which his majesty's government had brought in, with the view of relieving Ireland from the oppression of tithe, gave, in reality, no satisfaction to those most conversant with the state of that island. On the contrary, it was believed, that those bills would not only enable the Church to exact as much as it did now, but even a greater amount of revenue. The policy of England, ever since its connection with Ireland, was, he regretted to say, directly the reverse of all other countries similarly circumstanced. The principle upon which it proceeded was, that of dividing the people against themselves, and of maintaining a difference

between the English and the the inhabitants, which was both. The consequence was of the Irish still detested England, whose oppression felt, but in the benefit of w constitution they had never Upon this ground alone he support of the inquiry wh friend had demanded. But t ther question, which, altho not the proper time to enter cussion, he could not avoid to—he meant Catholic E That question had been arg over again, until its adversa without any thing to oppo vague insinuations; and alth rejected on such grounds, l whether it would be possible to withhold their rights fro of his majesty's subjects? branch of the subject had their lordships; namely, t of six of the oldest peers in their seats in that House, s enjoyed the highest heredit but whose ancestors had bee their birthright in moments lusion. Their petition had l But, though those six n might be thus treated witho the state, did their lordshi six millions of Irish Catholi with the same impunity thei gradation? Were they pre the grievances of that grea main unredressed, and to e dangers of such a populat state of war again arise, an of that part of the empire plated by the enemy? He to say that Catholic Eman the panacea for all the evils v Ireland; for in his opinion, of a complete revision and c whole system would answe purpose. On the subject of government of Ireland, he little. He had, from early l est regard for the abilities marquis who was now at the government; but he confes had heard with astonishment his acceptance of office unde administration, composed o decorated with all the hues bow, except that the orange dominated; a cabinet incons their principles of governing

consistent only in their fixed determination to retain their places.—After Catholic Emancipation, came the question of Tithes; and upon that subject, he was sorry to say that the milk-and-water measure now in progress elsewhere, was likely to be futile. What was there in the situation of the Irish peasant which was to render him satisfied with his condition? Compare it with that of the English peasant. The latter had, in general, the means of labour, and some comfort and security in his cottage; but the poor Irish peasant was left without adequate employment. He was the victim of every species of petty exaction. The little spot of ground allotted to him was exorbitantly valued—the last farthing was wrung from him, minus what was necessary for bare animal existence. The great evil was the want of employment for the people; which, coupled with the exorbitant charge imposed on them for their potatoe-gardens, left them in a state of utter destitution. The government, perhaps, could not do much directly, in supplying the people with employment, but still some relief might be given in that way, by the making of canals, the construction of public works, and the establishment of manufactures. Much, of course, rested with individuals; and it particularly behoved the Irish landed proprietors to encourage industrious habits among the poorer classes. In this respect, his noble friend who had introduced the present motion had set a noble example to the other proprietors of Irish estates. He (earl D.) had endeavoured, at an humble distance, to tread in the steps of the noble duke; and he could say, from experience, that giving employment to the people of Ireland was the best means of insuring the tranquillity of the country. But, as long as the present system of government was pursued—a system which gave the word of promise to the ear, but broke it to the hopes, of the people of Ireland, no real permanent advantage to the country could be expected. He was afraid it was useless to anticipate any change of measures on the part of his majesty's ministers, unless parliament compelled them to adopt a new course. He did not, therefore, ask too much, when he intreated the House to step forward, and save Ireland, if possible, before it was too late. England, great as she was, would not be able, in the existing state of Europe, to govern that country much longer with the sword;

and he trusted, that would induce their lord present motion.

The Earl of *Gosford* important motion than came before their lord sures which had been to tranquilize Ireland, had their object, and that present moment on the bellion. He therefore House would not separate some steps for the protection of the people, and well-affected pity. Hitherto, the war in Ireland had been a misadministration: and until it was reformed, there could be no hope that the sister country would improve.

The Earl of *Caledon* opinion, all the expectations had been formed from the present administration of Ireland had hitherto appointed.

Lord *Maryborough* sent was a question which related to a country which had been long and extensive. He should not consider himself discharged his duty to the country which he formed a part, but he was at the head of the nation, or to himself, if he did not express the earliest opportunity of his sentiments to the House. His decided negative to the motion was impossible to conceal, and he considered it of more importance at the present time than that which the noble duke had submitted to the House. No man was more than he was, of the since the noble duke had taken the welfare of Ireland, than he did the benefits conferred on his numerous tenants. He was ready to acknowledge the propriety with which the noble duke had brought forward the motion, and he confessed, that there was, a something in the manner in which the noble duke had stated the subject to the House, which was not only to the present advantage, but to the present parliamentary administration which had given and to every parliament from the period of the Union to the present day. Before their lordships divided upon this question,



to, and they undoubtedly would, take the whole case and all its circumstances into their consideration: they ought to inquire how much the parliament and the government had done for Ireland. The noble duke had represented the case of Ireland, as if nothing had been resorted to for its government since the Union but coercion, he had completely kept out of sight all the boons which had been conferred on that country by the united parliament. But, after what had been stated by his noble friend, it was impossible for any noble lord to doubt that great attention had been paid by the successive parliaments, and administrations, to the state of Ireland; that her interests had been consulted, and her welfare promoted. It was impossible to deny, that if the parliament had not gone quite so far as some noble lords professed to wish, yet it had gone a great way towards ameliorating the condition of the people of Ireland. But, though the speech of his noble friend contained, in his opinion, a complete vindication, not only of the present but of the former governments of Ireland, yet he was anxious to add a few words to that statement, because it was highly necessary that their lordships should be in possession of all the facts of the case, before they came to a decision, which in substance, if not in form, tended to pass a vote of censure upon every administration and every parliament since the Union [hear! hear!]. One of the grievances complained of by the noble lords opposite was, the want of Education among the lower classes in Ireland. But why had not the noble duke stated to their lordships what efforts had been made by parliament to overcome that evil? In the first place, commissions had been appointed to inquire into every charitable, every royal, and every other foundation for the education of the poor in Ireland. The commissioners had faithfully and diligently exercised the trust reposed in them. They had found, that many abuses did exist, to which they had immediately applied remedies; and he was happy to say, that there did not at the present moment exist a single evil pointed out in the reports of those commissioners. He spoke now in the presence of noble lords who were as well acquainted with the reports of those commissioners, and with the results which had followed from their labours, as he could pretend to be; and he now called upon them to contradict him, if that which

he stated was not correct. In the 14th report the commission so far as to recommend, that there should be established for every part of schoolmasters to be sent into the parts of the country to instruct the people, and that these schoolmasters should be educated upon any exception of religion. That report had been brought into the serious consideration of the committee, and a seminary for the education of schoolmasters was established. At least it should be supposed that the government had the slightest weight upon the consciences of Catholics, that seminary had been established under the control of a board of trustees in Dublin, composed of Roman Catholics as well as Protestants, and for the education of schoolmasters had been sent into the remote parts of Ireland. Even in the present session no less than 9,000*l.* had been voted for the maintenance of schools in Ireland.

Why had the noble duke not stated to their lordships, that the superintendence of the unitary system which had been represented in regard to the interests of Ireland, that more than six harbours had been opened, viz. Dunleary now called Blackhead, the most magnificent work, and which had made Dublin an excellent harbour. At Araglass, Donoughadee, and at other places. In these works above one million had been expended [hear, hear!]. What had fallen from the noble duke, in the complaints of want of attention to the welfare of Ireland, their lordships might hear with surprise that within the last year a sum of 250,000*l.* had been granted for public works in Ireland, and that 100,000*l.* had been advanced for new roads for the employment of the poor, and for the support of commerce. 200,000*l.* for occasional expenses. These things had been done for the improvement and the benefit of the people, and, if their lordships were to believe the statements of the noble duke, that there was no paternal regard for that country, he had by no means stated what had been done for Ireland. They knew that 500,000*l.* was granted for improving the internal navigation, that 150,000*l.* had been expended on the grand canal, and 198,000*l.* on the royal canal. Did these grants tend to ask their lordships, justify

which had been so often made there and elsewhere, that since the Union Ireland had never enjoyed the blessing of a paternal government? But the united parliament had not stopped even here. To the Roman Catholic Seminary no less a sum than 201,075*l.* had been granted; and, as it was considered an important point by parliament to encourage the residence of the clergy upon their livings, so as to produce a constant intercourse between the clergyman and his parishioners, no less than 614,000*l.* had been voted, in aid of the Board of First Fruits, for the building of churches and glebe houses, and that board had been by these means enabled by gifts to build 202 churches, by loans 312 churches, by loans and gifts 457 glebe houses, and by loans and gifts to improve 153 glebes. He felt it due to the Board of First Fruits to say, that every shilling of the funds entrusted to their care had been expended with the strictest regard to economy, and with the most impartial and judicious attention to the interests of the country.

In making these statements, he begged not to be understood as claiming for the present administration, or for the present parliament, exclusively, the praise of having directed their attention to promote the welfare of Ireland. He sincerely believed that all the parliaments, and all the administrations, since the Union, had been actuated by the same feeling towards that country. He was ready to admit, that the noble lords opposite to him were entitled to their share of that praise when they were in power. They, however, only gave two boons to Ireland. The one, and a great boon he allowed it to be, was, the Insurrection Act ["no, no!" from the Opposition benches!]. All that he could say was, that only a few weeks ago, the learned gentleman who was attorney-general for Ireland when the noble lords opposite were in office, had told him that he had drawn the bill. It was a measure which certainly ought not to be resorted to except in the last necessity. But it must never be forgotten, that it was the duty of government to protect loyal subjects; a conviction which was no doubt impressed on the government of that day; and, in his opinion, they had done right. That was their first boon. The second boon was, opening the ports, and enabling Ireland to send corn to this country. For that, also, they deserved the gratitude of that country.

One of the most striking conduct of his majesty's government was, that they brought in measures that they thought serviceable. They had adopted the hints of the opposition. They had adopted the port's bill to regulate the trade. That was a great boon. It proved that parliament had considered the interests of Ireland, and not only did what they thought to be for those interests, but did not avail themselves of the means. Then, there was the collection of tithes. Ireland, from which so many excellent reports had proceeded, had nothing to institute such a measure. Was it nothing for ministers to put them through all their difficulties, to cut down the abuses to a great extent, to a degree that was a permanent advantage to the country. At the same time, it ought to be gotten, that ministers, by doing so, had done upon these reports, and renewed the patronage of the land to a very great extent. He felt that that was not for the good of the country put in competition with the country.

Under these circumstances, if the House were to agree to a motion, they would in substance vote of censure upon every measure that had existed since the Union, was one other subject to be taken, not yet adverted, and that was the Emancipation. He confessed, at that time, he very much doubted the wisdom of such a measure; but, upon a more mature consideration of the subject, he had changed his opinion, and he now sincerely saw it passed. But he was at that time, fully convinced that it was at the present moment necessary. Although he was favourable to it, he was equally convinced that it was not one which ought to be passed at any time, and under any circumstances. Were not the noble lords opposite to him convinced, that that measure must depend upon the circumstances which did not exist at the present time? Did not the noble lords when they were in administration find the time unfavourable to the measure? Their own ac-

they did. They did not then propose what they now consider to be absolutely indispensable; namely, unqualified emancipation. Had the noble lords opposite proposed a solitary measure for the benefit of Ireland? If they had, government would instantly have attended to it. The subject of Tithes in Ireland was one which every administration had looked at without much good effect. Two bills, one for the commutation, the other for the composition of tithes, were now in progress in the other House. This was a subject of great difficulty. He confessed his astonishment, however, at what had fallen from a noble lord opposite who had addressed the bench of bishops on the subject. He (lord M.) was of opinion, that tithes were a description of property which ought to be as much respected as any other. The noble lord ought also to recollect, that half the tithes of Ireland were in the hands of lay impropriators. One measure could not be adopted towards the church, and another towards the laity. It was also a fact of which the noble lord was perhaps not aware, that the lay impropriators invariably exacted from the people more than the clergy did. Of this, however, he (lord M.) was convinced, that if the proposed bill should not prove satisfactory, the subject was one which his noble relation, as long as he held the situation which he at present occupied, would never lose sight of. But, was it common justice to cast a slur on the government of Ireland, before the measures which they had brought forward were fairly tried? Did not the despatches on their lordships' table state, that his noble relative entertained the greatest hopes from the measures on trial; from the improvement in the magistracy; from the change in the county-courts; and, above all, from the arrangement in the distillery laws, by which it was expected that an end would be put to the infernal evils resulting from illicit distillation? His noble relative had said in those despatches, that when the various measures which he enumerated were at work, he hoped he should get at the root of the evil, and be enabled to afford protection to loyal and peaceable subjects. But, it was impossible that the effect of any laws, however good, could be immediately manifest. For all these reasons, he should certainly feel it his duty to support the previous question.

Lord *Holland* asked, whether this then,

was really the case on which the noble lords opposite meant to rest their objection for rejecting the noble duke before him which had been supported powerfully by many noble lords with the kingdom of Ireland? It was possible, on such grounds, for the noble lords opposite to require to reject that proposition. The noble lord who had spoken in debate, and the noble lord who sat down, had, throughout their arguments, rested on grounds completely inconsistent with what had been laid down last session by the noble earl at the head of the Table. The whole of their argument was, that, because great boons had been granted to Ireland, it was quite sufficient for their lordships to require the removal of the causes of the recurrence of disturbances and disorders which had afflicted that country. Did they mean to deny the existence of those disturbances? Did they mean to deny it; for the noble lord who had admitted the fact last session, had also stated the causes of those disturbances. The question lay within the noble lord's compass, although it was a question of many serious and interesting considerations. It was simply this: whether it was preferable to have a pledge, or the pledge of that the causes of those disturbances should be inquired into? The noble lord who had spoken, that the whole tenour of the noble lord who had spoken was little complimentary to that country with which he was long connected. The noble lord did not deny that they were in a state amounting to rebellion; but that they had been in the state of enjoying great boons from this long period of time; and the noble lord had left the House to an ungrateful people those boons. There appeared to be a sentiment of discontent and dissatisfaction all over the land, notwithstanding the measures which had been so much spoken of by the noble lord who had spoken of education—he had enumerated the roads, the works, which were forming. The conclusion was, what ungrateful these Irish must be, not to improve themselves better, after such money had been voted for

ment—after so many important boons had been granted to them.

The noble lord had also thought fit to allude to the former conduct of several noble lords in that House. But it was not what measure this noble lord had supported, or what enactments that noble lord had caused to be passed, which could decide the question of the present state of Ireland. The noble lords opposite had, for many years, been in the habit of haranguing that House on the necessity of destroying the immense power of France. They had been constantly describing the French government as the most horrible tyranny that ever deserved the execration of mankind. And yet, if Napoleon Buonaparte were arraigned, might he not say—"Is there a part of Europe I have not improved? Look at the roads I have constructed—behold the palaces I have built—mark the sums of money I have laid out—and, above all, contemplate the improvement I have effected amongst those who are living under my dominion!" [Hear, hear!]. The noble lord had left the last point untouched. He had said nothing about the improvement of the people of Ireland. And truly, it would have been very strange if he had! He had made an ostentatious display of the generosity and benevolence of government and of parliament; but he had been silent as to the good effect which had been produced on the state of the people of Ireland. He had pointed out the grievance and its cause; but he had not shown that any effectual mode had been adopted for removing it. The noble lord had referred to the measures taken by a former administration. This had been the practice with noble lords opposite for some years. Let what would happen, their constant observation was—"Oh! you did the same!" This was a most unparliamentary mode of proceeding; and, at this distance of time, he disdained to answer it. He would only hint, that such a line of argument was quite stale. It was hunting on a very stale scent, to refer to that which had occurred seventeen years ago. If noble lords opposite wished to indulge in that sort of observation, they ought, occasionally, to give up the situation they now held to his (lord H.'s) friends; and then they would have new grounds to argue upon, instead of constantly recurring to those that were wholly and entirely worn out [a laugh]. The noble

lord had said, "One granted to Ireland was the corn-trade." He said that that concession was a boon—not from that point of view, although sir J. Newport for the part he had taken; but he viewed it from the point of view of the people of England and Ireland. It was a great boon which he approved; and he admitted that it was in accordance with the true principles of commerce. He thought it was right, at the expense of that consideration of the sister country. From a commercial point of view, and as to the principles of political economy, the proceeding might not be approved of that boon, under the circumstances of the country. The noble lord, using a forced figure of speech, said, "Another of your boons was the Corn Law Bill. I know such measures were under consideration. I know officially, that such measures were suggested by the Government of England and in Ireland. The noble lord was, however, mistaken. He would find that he was, of his noble friends, the first to say the truth was, that bill had been previously prepared: it was true that he, (lord H.) had accidentally read it. He stated that he, for one, stood up and testified against the measure. He intended so to have done. The circumstances occasioned him to abstain from which he had ever since regretted. He had, on that occasion, given only one vote he ever regretted from him by circumstance. He was unable to state the reasons of his opinion, the measure should have been carried. But the noble lord said, that the measure prepared was the same as the one which you gave Ireland," he said, "nothing else save what I have said. You tried to do something else." Certainly, the measure was carried. The measure had a much greater effect than the Insurrection of 1798, and his noble friends gave proof of their sincerity in that matter; for they had followed the course of proceeding which was entirely out of the notion of the noble lord. [a laugh]. The noble lord said, "You must consider it as a measure practicable to relieve the



thing of that sort can be done." Nay, he said more, "I, on principle, defend Catholic Emancipation," observed the noble lord, "but this is not the time for it. I have been for a long period friendly to it, but this is not a principle which a man should, at all times, bring forward. I came over to the side of Catholic Emancipation, because I thought the time was approaching when it ought to be carried; but, the period having arrived, I am willing to hold a place in a cabinet, in which that subject must not be mentioned—which will not make it a cabinet measure—which will not support it with all the weight of government, although I know it is impossible it can be carried, until it is made a cabinet measure!" [Hear.] The noble secretary of state, who spoke second in the debate, had exclaimed—"What! do you mean to be guilty of the horrible injustice of excluding a man from office on account of his opinions?" And this he said in the very face of the laws which excluded five or six millions of people, one-fourth of the whole community, from holding great offices, and from sitting in parliament [Hear]. Now, with respect to the boon of education, what had been done? He would ask, what reference had those points to the subject? How did they bear on the question immediately before the House? It was said that much had been effected with regard to the education of the poorer classes: and he was sorry he did not see a noble and learned lord (Redesdale) in his place, who was one of the great advocates for it, from whom, perhaps, they might have received some useful information.

The noble lord then proceeded to observe, that the motion before the House did not state that parliament had done nothing, or that no efforts had been made to assist the people of Ireland, or that the legislature had shrunk from its bounden duty. It only declared, that the scenes which were now passing in Ireland proved that there was something exceedingly wrong in the state of that country, and it called on parliament to institute a solemn inquiry into the case. Would noble lords say that there was nothing wrong in the state of Ireland? They could not. And when they admitted the fact, could any man assert, that an inquiry should not be set on foot, to put an end, if possible, to the evil? The question then was, "Is it proper to have

a pledge of parliamentary inquiry?" and, "is this the proper time for inquiry?" No person could vote for the amendment, except on one of three principles. Either he must think that there is no necessity for an inquiry into the state of Ireland at all; or he must suppose that he can leave the inquiry safely to the executive government; or he must be of opinion, that though it is proper to inquire into the subject, this is not the fit time for such inquiry. As to leaving the inquiry to the executive government, he might be allowed to observe, that many noble lords, and one in particular, who stated his motives for so leaving it, pursued that course last year. At that time, he (lord H.) refused to confide the inquiry to government on account of the manner in which that government was composed; but he must say, looking to their conduct, and to the language they had held since, he was now more adverse than he was then to placing any such confidence in ministers. When, on a former occasion, a noble friend near him had introduced a resolution similar to the present, the noble earl at the head of the Treasury had said, "God forbid I should consider these coercive bills, necessary as they are in consequence of the present state of Ireland, as the means that are solely to be depended on for tranquillizing that country." He well recollected the metaphorical expression of the noble earl on that occasion. "No," said he, "we must probe this business to the bottom. The causes of this state of things do not lie on the surface. The evils of Ireland lie deep in the frame of society. These are merely temporary measures. God forbid they should be anything more! It is, however, necessary, that we should possess the means of putting down disturbances; and that we should devise some remedy for these evils, the roots of which lie so deep." Who would not think, when the noble earl had procured the Insurrection Act, that he would immediately have set about digging and delving, to find out that precious jewel which was to cure all the evils which afflicted Ireland? But he did no such thing. He confined himself to the surface; he plucked his rue and dandelion; and then he said, "Smell to this wonder-working flower, it is a certain cure for all the evils of which Ireland complains." The noble lord who spoke last had told them, that a bill, which would be most beneficial to Ireland, would

shortly be laid before their lordships. For his own part, he did not believe it would be quite so beneficial as the noble lord supposed. He, as an older member of that House, would tell the noble lord, that the bill to which he had alluded, especially if it were good for any thing, was not likely to go to the people of Ireland as an act of parliament this session. He had observed uniformly, that, in proportion as the number of individuals who wished to obtain any object through the medium of parliament was great, additional difficulties were thrown in the way of their success. The practice reminded him of a story in ancient fable. It was very commonly said,—“Stop, this is a most important subject—we must weave a parliamentary web, which can be undone at pleasure.” And, when the suitors imagined they were on the point of enjoying the object which they had so long and so strenuously pursued, committees and reports were interposed as barriers to their success. Then at the end of the session, came the noble and learned Penelope, who presided over the House, and with the assistance of his or her hand-maidens, unravelled the web, which it had taken the whole session to weave [a laugh].

The noble lord then proceeded to observe, that he believed the views of the government of Ireland, so far as the noble personage at the head of that government was concerned, were statesmanlike and wise. He believed there was a sincere desire in that quarter to carry into effect the measures which had been referred to. He, however, was convinced by experience, that hitherto the noble personage of whom he spoke, had found it impossible to act as he wished. He knew the painful situation in which that individual was placed; and perhaps some persons would blame him for having subjected himself to the inconvenience which he now experienced. An illustrious duke (Wellington) who stood in the same degree of relationship to that noble personage as the noble lord who spoke last did, had used an expression which precisely met the situation of the noble marquis now at the head of the Irish government. Soon after the Spanish papers were laid on the table, he (lord H.) met a noble friend, whom he had not seen for some years. Though a man of considerable acuteness, he was not much in the habit of reading diplomatic papers, and

he said, “You, parliamentary duty, mine papers of the meaning of ‘a false position phor taken from writer is so er situation in a lord H.) answer jargon bandied tists and minis not understand my friend, “if you must attack “Yes,” I observe a post, in which on his enemies bless me!” rejo precisely his b sort of fraternal [a laugh.] Su of the marquis placed himself was surrounded which he could If this were so, reason for parliament into its own hands posite admitted implanted in the land; and yet, efficient inquiry called upon to contrary to the and abhorrent to who justly prize The resolution embraced these disturbances had the inference from was something in try which called proposition, that out any mixture (duce no benefit were described a boons, and never moderately and p be predicated, t discontent lay cure for the evil by the noble lord debate, when he rule Ireland by severity. It was petty sessions, i buildings, it was sums of money on which their religion attending, that a

to love and respect their government. It was not by measures of such a nature that a long, painful, and disgusting series of injury, obloquy, and oppression, could be obliterated from the minds of a high-spirited, warm-hearted, and noble-minded people. It was only by approaching them in the true spirit of peace and conciliation, that they could be governed; and he would say, that no government since the Union (and he included the government of 1806) had approached them in that spirit. He would not, as a member of that House, condescend to explain the circumstances which prevented the government of 1806 from fully acting on that principle, of which, however, they never lost sight. He would merely say, that, including the government of 1806, no government, since the Union, had had both the power and the will to do justice to the people of Ireland—to treat them with that degree of kindness and old English good-humour with which the government of this country always treated the people of this country, and which should constantly characterise the measures of the British parliament. A noble and learned lord (Redesdale) whom he did not see in his place, although he differed in opinion from the humble individual who now addressed their lordships, yet never stated his sentiments on this subject without giving such information on the general state of Ireland, as convinced all his hearers of the necessity of some alteration. That noble and learned lord had described the evil in Ireland to be this, “That there was one law for the rich, and another for the poor, and both were equally ill executed.” Could any noble lord, after such a statement, sit down and say, “Let us leave that country as it is?” When the noble lord at the head of the Treasury declared, that the evil should be probed to the bottom, did he suppose his pledge would be redeemed, if the tithe and the distillery bill were passed? It was not, however, for the House to look to the professed views of the noble lord, as stated last year, nor to mark the inconsistencies by which his conduct had been distinguished. No: it was the duty of their lordships, as statesmen, to consider what was the situation of Ireland, of Great Britain, of the world at large, at this time. The introduction of first principles into a debate was very often tiresome, and where unnecessary might be dangerous. But, it was proper

to have some opposition to that system which prevailed with respect to that period they had the people of that the rights of the what were the principles to claim, he would only observe established for the The government had not the public to poet had said, but erroneously,

“What’s best This was a maxim: approve; but whether founded or no, it did Where a government portion of the inheritance share of the power rest his justification the machine work judge of the government its fruits. Could the are contented; whether turb them with vain principles?” Whether justice was contrary was absurd to talk lords, and to ascertain which existed in might be traced which was the conflict that there could body of the people rights, no enjoyment society, unless who mitted to that fairness to which all men very true, he could connexion there was sion of the Catholic endowments of the but these two phenomena an anomaly, as never in the history of many people been pl calamity as the people

He thought he might he had made out what call a *prima facie* necessity of inquiry. If one would now take of divine right, which repudiated by the people, seemed, however into cabinets. Whether come before their state his opinion

frankness, and with as much fairness to all the parties concerned as he could command. Much had been heard of the consequences of foreign interference with Ireland. No man, he believed, on that or on the other side of the House could doubt that power placed in the hands of the Bourbon government would not be at the least as dangerous to Ireland as that which prevailed during the plenitude of Napoleon's authority. He did not mean to say that the power of the Bourbons was equal to that possessed by Napoleon; but their enmity to the Protestant government of this country was far more deeply rooted. He did not speak on this subject without authority; and he repeated, that the Bourbon government, reigning, as they affected to reign, by divine right, supported by an army of the faith, and aided by the machinations of missionaries and jesuits, was far more dangerous to the security of this country and of Ireland than all that Napoleon could ever have effected. Perhaps the noble earl opposite would say, that this was a reason against the measures which he (lord H.) was advocating. But, he would say, that if Ireland could not be governed by mildness, and by engaging the affections of the people, he was sure it never could, and he hoped it never might be governed, by any other means. For these reasons he recommended their lordships, in the most earnest manner to institute the inquiry. And, still more necessary did it become, seeing that their lordships would ere long be called upon to enact that hideous statute—he could not call it a law, for it was a suspension of all law—which surpassed in cruelty all that had ever been devised, and which, as an Englishman, he could not think of without disgust.

He would say one word to the noble lord who spoke last. That noble lord had talked of the favours which had been conferred by the government on Ireland. While he denied the propriety, he cautioned the House against the adoption of any such language. It had been used to the Americans; it had always been found dangerous, and it was improper; because it assumed, that what a government did for the people of a country could be a boon and a kindness. He knew of none which could be bestowed by a legislature upon a people. It was the duty of a legislature to consider and adopt whatever measures could tend to the welfare, the tranquillity, the liberty, and the enjoy-

ment of the sublanguage of corpersons of one of another, the only their duty them a favour a

The Earl of L an opinion was e the disorders in religious differer the fallacy of not pay so bad a classes of Irish that they coun He was equally hood; and he l ters, as well as tl were altogether orders of the pe views with two lordships must l many captain R of rioters, and tl what their object to him, with p their first wish w retics, and to tal was the aim the they had accom him they would no advocate for whole province sword, when the of the laws wa security of the could not feel an strong measures. former occasion, tion the measur He had done so necessary. It w inspection of per thority, and no s which was not me whose guilt had If the assertion there was one law ther for the po ignorant of it. flatter the noble confess that they tion in their powe tranquillity. He advocate for the Maynooth; but convinced him, th much harm, and Catholics, by be would return no but better subject



upon the woollen manufactures of Ireland, the encouragement of which would, he thought, do more towards the restoration of tranquillity than any other measure, his lordship, speaking of the lord-lieutenant, expressed his high opinion of his intelligence and ability; but he thought that the simpler the government of Ireland could be made the better. Courts were no where schools of morality; and no where were they less so than in Ireland. He would not have the court of Ireland remain a school for Tyro-statesmen, to learn their trade in, but an institution for the just administration of the laws. He should not vote for the resolutions; but would rely that, as the ministers had already done much, they would do still more towards the amelioration of Ireland.

Lord King said, that their lordships had heard great credit taken for remedying evils in Ireland, the existence of which, until the remedial measures were brought forward, had always been denied. The ministers, too, had given up taxes in Ireland. And why? Because they could no longer collect them. He wished those who opposed inquiry, would read the Insurrection Act—an act which seemed more suited to a slave island and a slave population, than to the inhabitants of a free country. His majesty's ministers reminded him of a certain clergyman, not the most exemplary in his practice, who had said, "this is the cursedest parish that God ever put breath into. I have been preaching to them for five and twenty years, and they are as bad as they were before." His majesty's ministers, in like manner, with their parish of six million of souls, had been holding forth to them on the necessity of tranquillity; yet, strange to say, this parish, more irritated by acts than tranquillized by words, was as turbulent as ever it had been. Ireland was certainly a country *sui generis*. With a church as highly endowed as any in Christendom, it was nevertheless as wretched as any country in the world. Those who had any thing to do with its government, should hide their heads for shame, at the mention of such a disgrace to the civilized world.

The Marquis of Lansdown said, that after all they had heard last year in that House and in other places; after the declaration of the noble earl opposite, that if there could not be found a remedy immediately, for what was then called, and

now more emphatically, the melancholy state of the country, time should be lost to the bottom—he had anxiety, to hear of deliberate refusal of his majesty's ministers to continue in its progress in the other land, from a state than any that had the rebellion of 1798. A Secretary of State had the honour to ascribe to the suggestion of carrying certain measures to a certain master of the Mint, should be too much commendation, as an able desire to gain praise for a minute little and demanding service, that thousands of measures were then in force, had all an existence, would, after six years, have been brought forward [a laugh] in relation with the nobility of his ideas, surely originated in Newport (whom, he mentioned, he was a friend), or with what he should observe, that it was, not that but not suggested, but vigorous and determined government, which measures opposed interests, and by that means the country—obstacles come by an unbecoming unity of purpose in the Crown. With respect to free importation of manufactures, considered as an act to be viewed as an act, what could be more than England should resume the various manufactures, while she was on equal terms with that country, on the condition of which a large number of inhabitants depended. The subject of the Grand Jury should only say, that a

likely to arise from the bill which had been lately introduced. Did the noble lords believe that these things were in such a state of purity as to exempt Ireland from the evils which they had formerly inflicted on her? If the noble Secretary of State believed so, his belief must be founded on ignorance of the reports which had been furnished by his own engineers, and which he himself had laid before the House. Indeed, it was impossible that he could hold such an opinion, if he had read the Reports of those persons who had been employed by the marquis Wellesley; for they stated, that the system of robbery in Ireland was now carried to a greater extent than ever. There was another subject on which ministers had also claimed much credit, and with equal reason; namely, the expenditure of a large sum of money in granting out leases of lands to public bodies, for the purposes of cultivation and appropriation to the interest and benefit of public schools. But, it could not be said that this expenditure had been carried on with a spirit of impartiality. The Catholic deserved assistance as much as the Protestant, and required it more; and yet he had not been so assisted; no grants had been made to schools which were under the direction of Catholic Priests. This might be met by saying, that it was against the policy of the government to encourage the increase of catholic scholars; but there was no principle on which the Catholics should remain uneducated; for, if education did not change their opinion as to their religion, it would, at least, make them better subjects. The noble baron had alluded to reports on this subject. It had been suggested, that public schools should be kept by the parochial clergy, and the noble baron had stated it as his opinion, that two and a half per cent should be deducted from the general income of the clergy for that purpose. This proposition had not been attended to, delays had been suffered to intervene, and time had elapsed without any measures being taken. But, how different was the conduct of government when any particular proposition of their own was to be carried. When any of their officers recommended strong measures, their recommendation was immediately carried into effect, statements were laid before the House, bills were hurried through, parliament was called on to suspend the Constitution—

and that obeyed. I sures, which benefit of some wretched powerful as them into apologized on this subject much as public robbery benefit of public he hated a laws which strongly to could not measures for the last would to root out suffered. I out any effort vernment, the calamity bourned; but persons who to the cause were more were more would resist would be v not all these of the nation Were they they come it, or did soil? No. natural cause country could quire the quietude, nor Bacon, to the physiognomy management reduced it the comparison like the corner of Europe. must we have of so great administration noble man would be thing like great law of that, from branches of opinion present was not from they could

This notion existed, perhaps, to a greater degree than the truth warranted. Noble lords were not aware to what extent the system of exclusion tended to exasperate the people. Its operation was, to exclude six-sevenths of the people of Ireland from that to which the Statute-book said they were entitled. The number of offices to which Catholics were eligible was 2,540. What proportion did their lordships suppose was held by Catholics? —106. Until the power which wrought this effect was destroyed, it was in vain to look for loyalty and attachment. Tranquillity might be obtained; but nothing more. He did not mean to blame the lord-lieutenant. The blame belonged to subordinate agents, whom no lord-lieutenant could control; and least of all a lord-lieutenant not supported by the government at home. One of the most curious results which had come out upon a recent inquiry was, that upon some unimportant occasion Catholics were permitted to serve upon a grand jury; but upon none in which their rights, and the voting of public money was concerned. From 1798 to the present time, if there was one principle more than another which prevailed among the lower orders in Ireland, it was that they considered oaths taken for private purposes more binding than those administered in courts of justice. But, on a recent occasion, before a tribunal intrusted with the highest inquisitorial functions, a person of a certain importance, and, as he must suppose, well-educated, had despised the authority of that tribunal, and had preferred, at all risks, to retain the oath he had taken for the purposes of a faction, to paying the obedience due to the authority by which he was questioned. He knew nothing more unfortunate for a country than the erroneous opinion which prevailed on this subject; and he could not but regret, that the principle of giving no party a triumph, was suffered to be turned to purposes most injurious to the interests of the country. There was one triumph which ought always to be given—it was that of the laws; and the government which could not secure this, was unfit to govern any country, least of all to restore tranquillity to such a country as Ireland. —Here he should have concluded, but for the mention which had been made of the measure for the commutation of tithes, a measure to which he looked up for the greatest relief to Ireland. The proposed

avoiding of all that would be so great peasant would look greatest satisfaction ever, believe that have sent over a bill might be to increase weighing upon the land. When he stated, that of the tithes was quarter of corn, as had been for years must have undergone left Ireland. As to improvements which his noble lords, he would in the present time that country, though been of the slightest conclusion, he desired support the motion giving some good effect.

The Earl of Liverpool possible for him to words, the ground object to the motion particularly as he alluded to in the. The motion was not merely. It commenced regret, in which even the strong measure necessary for the success also expressed the reason as to what the government had been. He would say lord who thought that systematic defect in the country, would be doing for the motion. But he should desire noble duke. He would exist. He did not of seeking for some denied the cause to attributed, and he said the measures proposed had been truly said late reign had been of beneficence. done for Ireland, as reaping the benefit senses could deny. that all which had been act of justice. He whatever benefits a on a country, could of justice; but he respect to many of had been done for Ireland.

not have been done for England. He was therefore justified in saying, that since the Union they had been in the constant habit of legislating for the benefit of Ireland. Allusion had been made to the pledge that was given last year by his majesty's government; but, could any man be so absurd as to suppose that the measures which he had then spoken of could operate instantaneously as by magic? Certainly, time was essential to their full and perfect operation. The attention of the government had been anxiously directed, however, to every practicable correction of those evils, and the measures which had either been carried into effect, or were now in progress, embraced four great points—a new system of police, a reform of the magistracy, and of the general administration of justice, the commutation of tithes, and a new system for the distilleries. All these objects had been in a great degree matured by the government. The police system had been carried into effect in several counties in Ireland, and was in progress in others. The reform of the magistracy had commenced, and was in a course of progress; and the other two measures had been submitted to the consideration of parliament. The system for the composition of tithes had been characterised as imperfect; but it was necessary to establish the principle before the details could be perfected. The question of tithes involved difficulties in the details, which could only be reconciled by the union of all parties in the principles of justice. A portion of the clergy might be opposed to the principle of the measure, but he believed that the great body of the parochial clergy were disposed to second the efforts of the government. The pledge of the government had been fulfilled in the introduction of the measures to which he had alluded. With respect to the participation of the Roman Catholics of Ireland in those rights and privileges to which they were by law entitled, the fullest and most distinct instructions had been given by the government of this country to the authorities in Ireland, that they should be equally and impartially admitted to those rights and privileges. He believed that the offices to which they were legally admissible, were fairly distributed among the Catholics of Ireland. In several of the revenue boards, Roman Catholics were admitted; and in one of them a Roman Catholic gentleman was deputy chairman of the board. He mentioned

this fact to show that he did not act upon any partiality. There might, indeed, be inequality in the distribution of offices among Catholics when it was considered in the hands of Protestants. But the hands of Protestants in inferior education taken into consideration first appeared to be found to be not equal to Catholics and Protestants. He believed that the Catholics had not been admitted to the most part, indeed, the college of sitting on the duties of the magistracy by Catholics and Protestants. He believed that the Catholics had not been admitted to the bench. He believed that the Catholics had not been admitted to the bench. He believed that the Catholics had not been admitted to the bench. The noble marquis had put out a single suggestion for improving the state of the magistracy. Perhaps one observation of lowering the duties of the magistracy. With respect to the magistracy, no instance of partiality in the distribution of justice had been observed. Still less any instance in which the government was ed with concurring was any combination of the government or country. Amidst which had taken place year, he had good reason to believe that if the king had at that time, he would have been with as much enthusiasm in Dublin. It was against the government party in general, whether Protestants or Catholics, that the exasperation had been directed against Catholics in many instances, even in the Protestant proprietors of the disturbances. The willingness of the government to their own parts of Ireland, and against their own Protestant clergy. The ties of Ireland were butable to the sentence of the magistracy must be in the Union. But, admit that this, an



inconveniences had arisen from the Union, the was satisfied that Ireland had, upon the whole, derived great benefit from that measure. The great object, in which all parties ought to unite, should be, to infuse into Ireland English notions and English feelings, to approximate a better feeling between the higher and the lower orders; for he must repeat, that the evil arose from a disunion between the rich and the poor, and not from a disunion between the governor and the governed. That disunion had, indeed, produced greater evils than the most tyrannical government could have inflicted—evils which could only be mitigated by promoting a better feeling between the two classes of society. The generality of the noble duke's motion defeated itself with regard to any practical purpose, and the whole debate had, in fact, resolved itself into a discussion of the question of the few remaining restrictions on the Roman Catholics of Ireland. The principle upon which the present lord-lieutenant had acted, in the government of Ireland, had been ludicrously termed a trimming principle; but he (lord L.) maintained that to be the only just principle of government, which held the balance between the Catholic and the Protestant, and which admitted both to an equal participation in those privileges to which they were legally entitled.

The Bishop of *Kildare* defended the parochial incumbents of Ireland from some aspersions which had been cast on them, and maintained that they had uniformly discharged their duty in the promotion of parochial schools within their different districts.

The Earl of *Carnarvon* strongly urged the necessity of entering upon an immediate inquiry into the state of Ireland. He had been surprised to hear the noble earl opposite talk of the boons which the government had granted to the Irish nation. Now, if the distresses of Ireland had arisen from causes unconnected with the government of that country, any measure of amelioration might not improperly be called a boon; but, when the evils complained of were the result of misgovernment alone, it was barely an act of justice to remedy them. He was convinced, that if the motion were carried, no inquiry would take place on part of government. The state seemed to be too appalling for contemplation of ministers. He rose from the inquiry, and wished

## Reform of Pa

horrors which on  
subject remain,  
By agreeing to  
friend, the House  
ed, do more good  
by all the measures  
mised by ministers  
The House did  
motion; Content  
Not-contents, 66  
jority against the

### List of

#### DUKES.

Somerset  
Devonshire  
Grafton  
Leinster

#### MARQUIS

Lansdown

#### EARLS

Darlington  
Rosslyn  
Roseberry  
Lauderdale  
Grosvenor  
Carnarvon  
Donoughmore  
Gosford  
Caledon  
Tankerville  
Cork  
Jersey  
Ilchester  
Fitzwilliam  
Essex  
Darnley

#### DUKE

Bedford

#### MARQUIS

Downshire

#### EARLS.

Waldegrave  
Albemarle  
Charlemont  
Besborough  
Fortescue  
Spencer

## HOUSE OF

### Thurs

REFORM OF  
TION FROM NE  
Mr. James said,  
present from 3,1  
castle-upon-Tyne  
respectable tradesmen  
the



were naturally entitled in the representation, and were therefore in a state of slavery. He wished he had seen the hon. member for Bramber (Mr. Wilberforce) in his place, as he would have made him a fair offer. He (Mr. J.) was one of those unfortunate persons who inherited property in the West Indies, and he would willingly bargain to use his utmost endeavours to promote the abolition of the slavery of the blacks, if the hon. member would use the same exertions to abolish the slavery of the whites. What was a slave but he who was obliged to give up his will to the will of others? And, when a thousandth part of the population was at liberty to rob the rest, to shut them up in dungeons if they complained, to cut them down when they assembled to remonstrate, what were the majority but slaves? In this free country, as it was called, the slave was allowed to go out of his own house in the morning, but he was waylaid in the evening, and half his earnings were taken from him. The excise-man arrived with penalties, instead of cart whips, taxed him on the soap with which he washed the sweat from his weary brow, and the salt with which he savoured his frugal meal. By heaven! if the black slave were to change with the white one, the exchange would not be to his benefit. The petitioners, enumerating the evils they had suffered from the want of equal representation, particularized the suspensions of the Habeas Corpus act, the restraints on the liberty of the press, the funding system, which taxed children yet unborn, the Bank-restriction act, and the confiscation act, commonly called Peel's bill. The petitioners prayed for universal suffrage, annual parliaments, and votes by ballot as the only means of national relief; in all which he (Mr. J.) fully concurred.

Sir *I. Coffin* expressed his belief that the hon. member and the petitioners, were labouring under mental delusion. He did not know where the distress and misery of which they talked existed. For his own part, he never saw in any other country so many fat, sleek, well-clad, and contented looking people as he saw in England.

Mr. *James* observed, that the individuals whom the gallant admiral had seen, and whom he represented to be so fat and sleek in condition, must be individuals who lived on the taxes.

Ordered to lie on the table.

VOL. IX.

PETITION OF  
ING OF HIS CON  
house seeing the  
place, took the  
ing a petition, to  
called the attent  
officers. The pet  
G. Butt, whose c  
to state as briefly  
be in the recollec  
Mr. Butt brought  
ment against sir N  
man, the keeper o  
imprisoned before  
found against him,  
turned a verdict  
damages. The cas  
before the four J  
Common Pleas, a  
doctrine which h  
illegal, and in thi  
ported by the aut  
The consequence  
that the costs of  
to 155*l.* in that ag  
to 93*l.* in that agai  
thrown upon Mr.  
of the case, howev  
friends of Mr. But  
fendants to pay the  
stated, that they c  
that the Treasury  
penses. It was to  
that he was anxio  
tion of the House;  
the Treasury coul  
expenses of any in  
and by that means  
place of the origi  
Conant having dec  
receive the mone  
himself to an action  
already been paid t  
Butt applied to the  
who also declined r  
the same ground.  
to the Treasury, an  
not stand as debt  
upon which he mad  
Justice Richardson  
him to move the co  
After a learned arg  
jeant Vaughan, th  
was refused. Mr.  
lord Sidmouth thro  
kins, and lord Sid  
Butt was not confi  
process, and that h  
An application to  
was equally unsucc

man, after having consulted his solicitor, was unable to point out any means by which Mr. Butt could obtain his release. Mr. Butt next petitioned both Houses of Parliament; and from parliament he obtained the usual relief—that was to say, no relief at all. At the time of the Coronation, when all the king's debtors were discharged, Mr. Butt expected that he should be included: but an exception was made against him, and he was not released. At length, both the defendants died, and Mr. Butt then applied to young Mr. Conant, who stated distinctly, that though the action was defended by his late father, the expenses were paid by the Treasury, and it was to that board, therefore, that Mr. Butt was indebted for the costs of the action. Here was a direct avowal that the Treasury had interfered in this action, and employed the public money to support a justice of the peace, against whom the action was brought. Another application having been made by Mr. Butt to the Treasury, he was told, that if he chose to take the benefit of the Insolvent Debtors' act, they would take no steps to prevent him. He would ask whether this fact did not furnish a convincing proof that the Treasury considered themselves the creditors? What right, he would ask, had the Treasury to pay the money in behalf of sir N. Conant? Their interference was a direct violation of the statute against maintenance; an offence, defined by Mr. Justice Blackstone, to be, the intermeddling in a suit, by furnishing money or other assistance to either party to prosecute or defend it. The Treasury at length consented to the discharge of Mr. Butt, after this unfortunate gentleman had been confined 26 months and 14 days, for a debt which he had offered to pay.

*The Solicitor-General.*—He did not offer to pay it.

Mr. *Hobhouse* resumed. The solicitor-general denied, in a manner not the most courteous, that Mr. Butt had offered to pay the debt. He (Mr. H.) took the liberty to say that he had offered to pay it: but, whether he had or had not was immaterial to the main question. The main question was, the legality of the transaction; and he believed that even the learned solicitor with all the modest assurance which belonged to him, would not venture to stand up in his place, and assert that the Treasury could legally make itself creditor of an individual, by pa-

expenses of a prisoner, showing that it was offered in payment when the value of the property was impeached. He stated this case at the House might be a transaction, and for, if the government individual debts, so grossly abused, it might be applied to and oppression.

*The Solicitor-General* the hon. member I on a former day, correspondence to the Treasury, day which, he believed the House that the the greatest mode towards Mr. Butt. I down the letters to state the nature of the House. Mr. Butt victed in the court, lished a most offensive borough and the in which he caused parts of the town, sent to sir N. Conant take measures to of this nuisance. dingly issued a hension of Mr. Butt to give bail, Mr. Newmangate. Mr. Butt that the whole of brought actions against Mr. Newman, the court of Common the legality of the conducted on the not by the Treasury himself and his own verdict was found served, in consequence of the importance of the question, did, the legality of which had been in the House—he allude to a circular of lord Sidmouth, elaborately argued in the Pleas, and the court of Common Law, were of opinion that it was legal, and judgment was passed against Mr. Butt, who could not pay the debt of £500. the secret of which was extremely hard

upon sir N. Conant and Mr. Newnan) wrote to the Treasury, requesting that they might be reimbursed. He would put it to the House whether there was any thing irregular or improper in this transaction? The hon. member had said, that Mr. Butt had offered to pay the costs to sir N. Conant. If the hon. member knew, of his own knowledge, that such an offer had been made, he could not, of course, say that it was not so; but he had made every inquiry, and the result certainly was, that no such offer had ever been made. Mr. Butt had offered a warrant of attorney to the lords of the Treasury, as a security for the debt; and the result of this application was, that the Treasury had declined the warrant of attorney, and granted his discharge without any condition. So far was Mr. Butt from having any just ground of complaint against the Treasury, that, in a letter addressed to the lords of the Treasury, he had expressed great gratitude for their moderation and forbearance.

Mr. Denman could not understand how the Treasury had a right to apply the public money to the buying up of the debts of an individual, and thereby to keep him in prison at their pleasure. He trusted that a proceeding like the present would not be repeated; as it gave to the government an unlimited power of oppression.

Mr. Hobhouse denied that the solicitor-general had taken the edge off the case. One point only he had made clear; and that was that the law had been violated; for he had not ventured to maintain that the Treasury had a right to pay the expenses of a private law-suit. He begged the House to consider what an engine of oppression such a power might become, if, when magistrates committed any act of injustice and oppression, the government could defend them out of the public purse. It was merely to say, that sir N. Conant and not the Treasury had defended the action in question. The learned solicitor had talked of the moderation and forbearance of the Treasury. Those qualities belonged only to the just exercise of power, but the Treasury had no just power. They had acted under an usurped authority. It was absurd, therefore, to talk of their moderation and forbearance.

The *Attorney General* repeated the statement of the solicitor-general, and contended that the conduct of the Treasury was neither unjust nor illegal, in remunerating sir N. Conant for expenses which he had incurred, at the instance of

government, and Common Pleas perfectly legal. He went on to state, that he was of the court of law, and the legality of holding a warrant of attorney for libel, was quite as good as that of the hon. member. As much as he valued his own knowledge. For he believed that Mr. Butt was under no condition to pay the money tendered the moment that individual had been released. He ought to have gone to court upon the subject.

Mr. Hobhouse expressed his opinion of its being a violation of the authority of law, that the House would give more weight to the court of Common Law than to them, that in that case, since the Revolution, the Judges who had taken the law upon them, and to state, as it was done, that lord Campbell had pressed too hard upon that wretch, Mr. Butt, understood well the sneer of the learned gentleman, but he would tell them to think the opinion of the Crown, on a point of the subject was that! [Snapping his fingers] Every body knew for what he sent into that House out of what wood, and solicitor-general, *quovis ligno fit Mercurius*. He endured that their course to taunt ignorance of law, they did not show to lighten their darkened eyes. Experienced layman grievance which he offered to any of them was the duty of the general to show him he was mistaken in his taunt him with his subject. In the present dropped from the regular abuses, that establish the legality of the Treasury. It had

conduct was fair and proper; and much had been said about the hardship it would be on sir N. Conant to allow him to be a loser; but not once had it been stated that they had acted legally. No. He defied the hon. and learned gentlemen opposite to the proof upon that point; "and let me tell them," continued Mr. H., "that I am confident I am right in this instance, because I am opposed to them. At the same time, I think it only fair to state, that my opinion rests, not upon any confidence in myself, but upon my distrust of them; and that I am not so much certain that I am in the right, as I have a tolerable assurance that they are in the wrong."

Ordered to lie on the table.

MIDDLESEX COUNTY COURT.] Mr. *Lennard* moved, "That a Select Committee be appointed to take into consideration the returns made to this House on the 24th of January 1821, from the county court of the county of Middlesex; and to report to this House whether the fees paid may not be diminished, and whether it may not be expedient for the county clerk to sit oftener in each week in the hundred of Ossulston, and to increase the number of sittings in the other hundreds where the court now sits."

Mr. *Curwen* objected to the motion, and maintained that not the slightest imputation could rest upon the barrister who, with so much ability, presided over the county court of Middlesex.

Mr. *Grey Bennet* was of opinion, that a committee could not be better employed than in inquiring into the establishment of this court, and whether it could not be improved and the salaries diminished.

The House divided: Ayes 18. Noes 44.

*List of the Minority.*

Benyon, B.	Palmer, C. F.
Browne, D.	Ricardo, D.
Calcraft, J.	Robarts, A. W.
Duncannon, visc.	Robarts, G.
Grattan, J.	Rice, T. S.
Hobhouse, J. C.	Taylor, M. A.
Hume, J.	Western, C. C.
Leycester, R.	TELLERS.
Monck, T. B.	Lennard, T. B.
Martin, J.	Bennet, H. G.
Nugent, lord	

PROMOTIONS IN THE NAVY.] Mr. *Hume* said, that the motion, of which he had given notice, was a very important

one, and he hoped that the motives which had induced him to bring it forward would not be misunderstood. It was not with British seamen that he would find fault: these he had always held in the highest estimation, and he hoped that nothing would occur to alter that good opinion of them. But he had no hesitation in saying, that since the commencement of the peace, the admiralty had not used those powers with which they were vested, in the way that appeared to be most useful, either in promoting the interests of the country or the honour of the navy. He denied the most distant intention of casting any reflection upon the navy itself. That navy had been, and it always ought to be, the honour and glory of the country; and he hoped that the country would never forget, or fail to acknowledge, their gallant deeds. He looked upon the navy as the most important branch of our national defence: to it the country owed all its honour and glory; for the trophies of the army had been always the consequence of the triumphs of the navy. He held the characters of naval officers in the highest respect. He coupled with their names all that was gallant and manly; and he trusted that they would not look upon the present motion as in any way directed against them. He could have no feeling of hostility for such men. Nay, on the other hand, he wished to be considered their best friend. He wished that those who had really fought the battles of their country should get the honour and the reward due for such services. The conduct of the admiralty since the war had given great dissatisfaction; not only to the country, but to the officers of the navy themselves. Old and brave men, who had seen a great deal of service, and whose service and hardships in war entitled them to honour, had not met with that attention and reward which their merits deserved; for many officers who had entered the service long after the war, had been promoted over their heads. Now, he would contend, that if any thing was more degrading than another, or more hurtful to the feelings of a veteran officer, whether of the navy or the army, it was to see a junior, with perhaps no claim but family connection, put over his head—to see a youth removed and put over a man who had been his instructor and his commandant; nay, to see this very young man put in command over



him, and raised two or three steps above him, sometimes in the very ship where he had served. If he (Mr. H.) were correct, in the instances he should state, they were an abuse of power on the part of the admiralty. If he was not correct in these, he should be very ready, on sufficient explanation and proof, to admit his error. The first fault he had to find with the admiralty was, that they had not, in time of peace, employed those officers, who, from the extent and importance of their services in war, had a fair claim for employment, but had employed young men in their stead; and not only in this, but they had failed also to give them their due share of the promotion which had taken place. From this it appeared, at least the people would be very apt to say, that they kept up the large establishment, and continued the promotions in the navy, not for the good of the country, but for the advantage of young men belonging to certain families. This ought not to be the case; the rewards of the navy, paid as they were out of the public money, ought not to be given to young and inexperienced men; but to those whose services had been of use to their country. He wished to see the British navy in the high commanding attitude it had assumed until of late years; and he had no hesitation in stating, that many old and able officers entertained great doubts, whether the course now pursued would furnish officers in time of need, capable of maintaining the power and honour of the country. On these accounts he did not hesitate to say, that the admiralty were not taking the proper course, that they had not employed the proper means for continuing to the navy that character, and consequent power, which it ought always to hold. If these charges were not supported by facts, they would of course fall to the ground, and he should be ready to withdraw his motion. But, entertaining these opinions, he would not do his duty, if he had not brought forward that motion.

If the expense of the navy had been necessarily great during the war, the public had a right to expect, that, with the termination of the war, the expense of the war would have ceased. He was ready, very ready to admit that the half-pay of the navy must, after so long and extensive a war, be large, and he was convinced that there was not a man in the country, however much he might blame the want of economy in the government

in other respect opinion. There people to with vices: but it was who had really the reward should committee had, calculated that crease rapidly it was the duty of the suggestions the close of the list of between officers; and it was that, from the list which many of the expense of be rapidly decreased which were then realized, the House into the causes. this had not been out what had been at the end of the as to the number, at the close of rily large, on account ber of ships that had In 1793, the number follows:—

Admirals .....  
Vice-Admirals ..  
Rear-Admirals ..  
Captains .....  
Commanders ....  
Lieutenants ....

Making a total

In the year 1811

Admirals .....  
Vice-Admirals ..  
Rear-Admirals ..  
Captains .....  
Commanders ....  
Lieutenants .....

Making a total

Now the estimate these would be a 3 or 4 per cent, a years which had there would have nearly one-third. ever, at a fourth of that proportion not been a diminution numbers on the

Admirals .....  
Vice-Admirals ...  
Rear-Admirals ...

Captains .....	829
Commanders .....	814
Lieutenants .....	3720

Making a total of 5556 Officers.

which was a reduction only of about 810, instead of being between 900 and 1,000. From 1816 to 1823, there had been 965 steps of promotion, including 513 first commissions. He would not object to the 44 post-captains who had been raised to admirals, or the admirals who had been promoted, for he felt convinced, that they had all served for 23 or 24 years, and of these there had been only a few promoted. There had been no fewer than 513 promotions of midshipmen to be lieutenants, although at the close of the war, there were 3,994 lieutenants in the service; and the object of thus promoting so many midshipmen was stated to be, to bring into the service all those who were deserving,—to bring in all those who had claims for service. This was so far well if it could be proved to have been the case; but it would require some better reasons than he knew to justify the large addition that had been made, of men who had no claims from service. Within the last 7 years, the higher promotions were as follows:—222 lieutenants had been raised to the rank of masters, and 125 masters and commanders posted. Such an increase in a period of peace, after the hopes that had been held out of reduction in the numbers, was not consistent. The country has been disappointed; but if promotions were to be made, they should have comprehended old and valuable officers, whose services entitled them to the preference. It was necessary here to anticipate an objection that had been made on a former occasion, and would most probably be re-introduced in the present discussion. It would be said, that these promotions were made on foreign service—that the admiralty had no direct interference with them—that they were essential to the well-being of the service, and were altogether free from that official influence and interest to which he (Mr. H.) was so decidedly averse. To meet this argument, he would state the extent to which promotions, exclusive of the admiralty authority, had really taken place; for he had moved, with a view to such exposition, for a return in detail of the officers who had been promoted by officers in command abroad within the last seven years. A reference

to these documents would best explain the facts, and give the best refutation to their statement. He found that the number of promotions necessarily made by deaths and dismissals for the last seven years abroad, was, commanders 5, post-captains 6, lieutenants 45. That was the whole of the casualties on foreign service, and the extent of the patronage of admirals abroad; but there was another class of officers promoted, namely, those by flag-officers on striking their flag. As each command continued for three years, the opportunity, according to the custom of the service, was afforded of making, on the 13 flag stations, 13 commanders and 13 lieutenants. Making, then, the due allowance for the casualties by death and dismissal, and the flag promotions, the number of lieutenants promoted by the admiralty amounted to 432; of commanders, 180; and of post-captains, 120. It might be said, that such as were promoted on foreign service were out of the influence of the admiralty. The fact was not so; for with the exception of the cases mentioned, the promotions abroad were just as much under admiralty influence as those which took place in London: a list was forwarded by the admiralty to the commanding officer of each station, containing the names of officers who were sent out for promotion, and on a vacancy taking place by invaliding the first of that list, for the time being, the commanding officer must of necessity promote, subject to the approbation at home.

He thought the admiralty was bound to show why such an increase in promotion had, under the circumstances of the country, taken place in these 7 years of profound peace. The misfortune was, that our number of naval officers was not necessarily proportioned to our number of vessels. In every other branch of service—in the army, for example—the power of promotion was limited to the number of regiments, and the vacancies that occurred. If there were ten regiments, it was impossible to promote a greater number of officers than the complement prescribed to these ten regiments required. A very contrary course existed in the administration of the naval service. Though there were only 300 ships of every rate (the 6 rates), it was at the discretion of the admiralty, at least in modern practice, to appoint as many commanders and captains as they chose. The House was called upon, in his judg-

ment, to affix some limits to a discretion which he had shown to have been so grossly abused, and hereafter likely to be improperly and expensively exercised. He would take the list of ships employed and in ordinary in 1823. He would allow the proper number of officers to every ship in the navy, in ordinary and afloat—he would officer the vessels upon the most liberal scale; he would allow 8 lieutenants to a first rate, 7 to a second, 6 to a third, 5 to a fourth, and so on. Over and above this, he would allow 50 lieutenants for guard and receiving ships—he would officer every vessel that could swim; and to do all this he would require only 244 captains, 147 commanders, and 1,538 lieutenants; whilst, at present, we had near 850 captains, more than 800 commanders, and 3,720 lieutenants; being a surplus, as regarded the lieutenants, of near 2,200.

He was bound to say that he had received from the admiralty every facility for his present motion; he still, however, contended, that they held a dangerous discretion, and he thought the calculation he had just made, proved that that discretion should be limited. Passing by the effect on the officers superceded, let the House look at the expense—the mere cost—which these useless promotions had entailed upon the country. In the year 1816, the whole amount of the navy half-pay, including superannuations and pensions, had been 1,137,308*l.*, and the estimate of the present year was 1,079,536*l.*; being a decrease of 57,772*l.* in the seven years of peace to meet all those hopes of rapid reduction held out by the committee of finance in 1816-7. In fact, the expense of the promotions of the last seven years, allowing for the differences of pay, had amounted to more than 78,000*l.* a year. If we compared the number of ships in the six rates in the service in 1793, it would be found, that they were nearly as many as in 1816, although there were only 2,061 officers in the former year, and 5,868 in the latter. Was any promotion, he would ask, requisite with such a number of officers in the service? Let us see what had been the conduct of the admiralty after the American war. In the six years from 1784 to 1789, there had only been 160 promotions in the navy, whilst, in the six years from 1816 to 1821, there had been 797 promotions. With so many more officers in the service in 1816, than in 1784, how could this be defended?

And now be priety of the discretion with selected for p more interest expense of the inquiry it was n ticular instances list of cases, a would also be First, he had a who had been li the war, and ha two steps in time (Mr. H.) sub quite sufficient formed. The g the list, captain nant in 1813, an commander in heads of 2,610 post in 1816, ov manders. The Stewart, who wa of 630 commande on the 10th Jun should mention w who had passed o lieutenants, of 68 posted on the 7th was the hon. G. over the heads o 745 commanders, June, 1821. He the House more next cases; name Thynne, and t H. F. Thynne v 27th Nov. 1817; 1821, having pas 3,586 lieutenants, 1822, having pas commanders. A ed, that lord H. served one day hon. F. Spencer tenant the 14th commander, in passed over the nants; he was p having j d ove manders. C lieved, pr rea cording to me s, often so improper a vacancy when senior officers inv system, where a was often given, w there was no ill

bound to set its face. The hon. member went on with a large list of instances, in which officers had been needlessly promoted to the rank of captain since the peace, and unfairly promoted, as regarded the claims of their fellows. He gave particular examples of supersession, in the case of captain Gambier of the *Dauntless*, who had been a midshipman at the close of the war, and whose first lieutenant, Mr. S. Jervois, was an elder lieutenant by five years than himself; the case of captain Maclean, of the *Blossom*, whose first lieutenant, W. G. Agar, had been 17 years a lieutenant; and the case of captain, the hon. F. Spencer, now commanding the *Creole*, and having two lieutenants under him, Mr. T. Phipps and Mr. W. Robertson, both of them lieutenants for years before their captain had gone to sea. Let the lords of the admiralty consider the mischief which these unfair promotions did to the service. Let them look at the four officers—lord Thynne, and Messrs. Spencer, Gambier, and Maclean, who had received three promotions—lieutenants, commanders, and post-captains, since the peace—and judge of the feelings of the old and meritorious officers over whose heads those gentlemen had passed. The others of the 40 cases which he had selected were of the same description, in all of them great supersession, though in different degrees.

There were, also, 51 commanders, who had obtained two commissions since April 1814, and who were promoted over the heads of hundreds of their seniors. Some of them superseded 3,600 lieutenants, and all of them upwards of 2,200!!! [hear]. He stated these facts from documents with which, in conformity with the order of that House, the admiralty had laid upon the table. He had no reason to complain of any reluctance on their part to furnish the returns for his motion. It was one in which the public interest was much excited, and they had acted wisely in affording the information asked for. He had no party feelings on the subject—he had no personal objects through disappointment to gratify; as he had not a relation connected with the Navy. (An hon. friend near him suggested, that if he had such a connexion, he would not probably take his present course [a laugh].) He felt that it would make no difference with him, and it was known to his friends, that he had done so in another branch of the service where he had a relation.

He next came to the employment of officers, a point of considerable importance when coupled with that of promotion. If the rule for promotion upon any extraordinary occasion—the rule, for instance, observed at his Majesty's Coronation, had been to select officers according to their seniority in the service, he should have been content. But the seniority which had led to promotion in that instance, turned out to be seniority as to employment in the time of peace, and not as to employment in the time of war. When it was stated by the admiralty, in answer to officers applications, that attention would be paid in all the coronation promotions, to seniority and service, lieutenants of 10 or 17 years standing, and the greater part of that time a service in war, had naturally expected to be made commanders. But the admiralty afterwards said,—“You shall be selected with reference to the length of your service during the peace, and not according to your service during the war.” Whether that rule was just or not he did not now inquire, but supposing the admiralty to have previously made up their minds, that they would promote at the Coronation those officers whose length of employment during the peace was greatest, how easy was it for them, by previous arrangement of that peace employment, to place the claim for promotion in whomsoever they pleased. He was aware that family and parliamentary interest might be expected to have a certain weight; but, looking back to the list which he held in his hand of 51 lieutenants made commanders, he could not but think that the effect of that influence was much too great. As a specimen of the promotion at the Coronation, he referred to the list of commanders then made post captains. They were—

	Date of Commission as Commander.	Officers passed over.	Sea Service in peace.
J. Gore.....	May, 1808	125	3 ys. 3 mths.
J. C. Carpenter	April, 1809	137	1 — 4 —
R. Hockings ...	April, 1809	137	1 — 10 —
G. B. Allen.....	July, 1809	144	2 — 3 —
J. Cod .....	May, 1810	158	4 — 0 —
R. L. Colson ...	June, 1810	166	4 — 3 —
Edw. Lloyd.....	May, 1811	194	2 — 11 —
J. Gedge .....	Sept. 1811	211	4 — 8 —
B. M. Kelly.....	Nov. 1811	213	2 — 10 —
H. F. Jauncey ...	Feb. 1812	216	4 — 3 —

These were the promotions of the Coronation, made over the heads of highly deserving officers who had been wounded in the service. He should mention some

of the names of these neglected men:—

	Date of Commission.
George Luke .....	June 23, 1794
George Robinson .....	Nov. 5, 1794
J. Johnson .....	April 27, 1801
J. Douglas .....	April 29, 1802
James Grant.....	Jan. 12, 1805
W. J. Hughes.....	Sept. 25, 1806
Wm. Coote.....	May 6, 1807
B. Warburton .....	Dec. 16, 1807
H. C. Thompson .....	Aug. 29, 1808
C. Beacroft .....	Oct. 3, 1809
H. N. Rowe .....	May 2, 1810
T. L. R. Laugharne.....	Feb. 12, 1811
J. H. Garrety .....	May 3, 1811

He would ask again, if such a system was not calculated to discourage every man who served his country, much more those who had bled in her service; and who naturally looked forward to some of the distinctions of their professions?

Again, with respect to the employment, he had made out a list of the 57 commanders, the total number now employed in the navy. Five were employed upon survey; but of the remaining 52, how many would the House suppose were old officers who had served in time of war; and how many of them officers made since the peace? Half and half, as regarded the numbers, would perhaps be the general idea. No such thing. Of the 52 commanders now employed, of whom he spoke, 6 only had been made before the year 1813—that was during the active period of the war; all the rest had been promoted subsequent to the year 1814 in time of peace.—Was not such proceedings calculated to discourage and to disgust officers even the most attached to the naval service, and eventually to impair and destroy its efficiency? It might be said, as it had already been said, that the old officers did not wish to be employed. He would meet that argument, if it was used, by saying that he knew to the contrary. He had made out a list of 98 lieutenants (now serving under new-made captains), older sailors and better entitled to promotion by their services than the men who commanded them. Every one of that number had been upwards of 10 years lieutenants, and some upwards of 20 years.—From that number of old officers the promotions might have been made! In looking to the advancement and employment of officers who had seen long service, it occurred to him that many of the midshipmen who had served during the war were placed in a very hard situation. After the promotion of 1,000 midshipmen,

VOL. IX.

in 1814, with services had been promoted there had been no midshipmen service, with advancement in This promotion be called a in good faith 1816, there men, and could been up to lieutenants, the service service as on board the first month of November midshipmen vice amount [Hear, hear] young men the cases of to many men been fifteen was happy to about to be trusted he promotion. T. Burmston had been distinguished his thanked for king of H medal from having saved He had no with any of learned the of midshipmen been on board solicitous to lar history of hand, but with the House such was the gave, as to shipmen, with case when the account. ] charity such mon. Turn the neglect men, he found men promoted diately after and whose i did not amount

4 A



time at the Naval College, and those, all years of service, during the peace. Amongst these 10 midshipmen so promoted, was the name of one Mr. Purvis, whose name was not yet published in the Navy List. That practice, he believed, was a recent but not uncommon one. With the view of keeping secret such promotions, an interval of 3 months took place between the promotion and the period of making it known to the public. It came within his knowledge, that an officer had received the communication of his promotion in December, while no insertion of it was made in the official list until the April following. There were three of these midshipmen promoted, on the ground of having attended the king to Scotland. One of these, however, (Mr. Seymour) did not accompany the king, though that was the reason assigned for his promotion. He should not trouble the House with giving the names of all the other numerous fortunate midshipmen, who, in time of peace had been promoted nearly as soon as they had passed their time; but there were some names which he felt it his duty to mention, viz:—Hope Johnstone, hon. G. Ryder, Henry Dundas, Chas. J. Hope Johnstone, W. F. Martin, A. Fitzclarence, hon. R. S. Dundas, G. J. Hope Johnstone (three promotions in one family rather a little too much), H. M. Blackwood, Chas. Talbot, Wm. Pitt Canning, E. Wodehouse, H. B. Martin, &c. &c. Did not the whole of these arrangements shew overwhelming influence? Did they not prove that a man's interest had more share than his length of service, or his merits, in his advancement? Let this be admitted to him—and to deny it would hardly be possible—and, as to argument, he should be satisfied; he had done sufficient, if he had proved to the House, that the public was put to great expense, by the promotion of young and inexperienced men of family, whilst young men of highly meritorious and long public services were neglected [Hear]. Promotion—and he would maintain the fact to be so—was as unfairly as it was extravagantly distributed. If it were yielded to him that these promotions took place chiefly by interest and not by merit; he asked no more, *that* was all he wished at present to substantiate. He left the conclusion to every hon. member, whether the satisfaction of the officers, and the good of the service were likely to be promoted by such a system, particularly when the

House was informed this moment employees of from 10 serving under cap whom never served

He then complained who considered pro not act on the same royal marines and there was no man marines, but would their services, as of naval officers; as treatment the mari The royal marine consisted of 6,949 was now 8,494; n 1,545 men in sever not been increased of promotions of o which had been in portion to those in motion of lieutenant together only amou 7 years of peace.— commissions; 11 tains; 11 captains lieutenant-colonels nearly 1,000 officers been 960 steps in or 500 officers en The disproportion manifest. The q difference existed in promotions in the i were not sanctioned equal justice. And the marines had r House; they had they were not su with great familie chances of promotion [hear!]. It ought the very distinguished marines, induced th their facings to roy the marines supp charge of influen marine officers br 6 years had been 4 commissions had navy 513 new co given! The fair i which he conten adopted in the na nized by a regula passed with respec in which it was the view of prever and unnecessary in

person should be warranted for that situation until the number should be reduced to the number of ships on the list of the royal navy, exclusive of the ships building." It was his (Mr. Hume's) opinion, that some such rule should be laid down relative to the officers of the navy, that there might be no more officers than would be sufficient to officer all the ships that we had either afloat, in ordinary, or building.—A proof of the advantage of that regulation was, that in 1816, there were 950 pursers, and there had been, in consequence of the regulation alluded to, but sixteen promotions of pursers in seven years, and these had been made chiefly on foreign service; there were now only 747 pursers, so that the number was at present reduced 203 below that of 1816; and if the sixteen promotions abroad were deducted, it would make 219 actual decrease in the 7 years—That circumstance showed that a proper regulation for stopping unnecessary promotion had produced the best effect in two branches, the marine officers and pursers, and the same rule ought in justice to the public to be acted on with naval officers. On all these grounds he thought the House was bound to institute an inquiry—He concluded by moving the following resolutions:—

1. "That it appears, by returns to this House, that there were 3,994 lieutenants, 813 commanders, and 851 post-captains, on the list of the royal navy, in January 1816, and that, notwithstanding so great a number of officers on the list, there has been, between 1st January 1816 and the 8th of January 1823, an additional number of 860 promotions (exclusive of post-captains to be admirals), viz. of 513 midshipmen to be lieutenants, of 222 lieutenants to be commanders, and of 125 commanders to be post-captains: and that although peace has existed for seven years, there were on the 8th January 1823, 3,720 lieutenants, 814 commanders, and, 829 post-captains on the list of the royal navy; a number more than sufficient to officer a fleet of twice the number of ships of every description in the british navy, if they were all at sea at the same time.

2 "That there are 814 commanders on the list of the royal navy, and 57 of them now on full pay, of whom only 7 were promoted during the last ten years of active warfare (from 1803 to 1813), and 50 who have been promoted since June 1814, the termination of the war in Europe.

3 "That many have been made in the regard either to the merit of the or to the efficiency of the navy, and that the pay of the officer is great after a long greatly and unnecessarily in the country.

4 "That there were 950 men in the corps in January 1816, and there being an increase of 860 men and officers in the period, there were only 5 first class and 32 promotions in the period.

5 "That there were 747 men on the list of the royal navy in January 1816, and 747 in January 1823, a decrease of 203 in the period, exclusive of 16 pursers in the period.

6 "That an honour was presented to his grace, who was graciously pleased to be made into the right hon. the lord, who exercised their power in placing on full pay on the list, and the royal officers to high rank since the peace in 1814.

Sir G. Cockburn, member, while he was a friend to the navy, proposed measures which would have been service which he was sure that at the attention to the merits of the British navy would be convinced that the measures laid down by the government they had been acted on, and have allowed it to be sent high and strong. The hon. member was sounding calculations of abuses which he has been very small. If on the numbers proposed family connexions considered it of great sons of rank and industry should be induced to vice. When perceived the advantage that society to abandon the country were in possession of

upon the seas, in the service of their country, they were entitled to peculiar consideration. He allowed that a quantum of promotion ought always to be assigned exclusively to merit; but he was convinced the country would not grumble at the elevation of a certain number of men of that class to which the country must look for its safety, and the House for its defence. He believed neither the navy nor the public could be at all angry to see such men get forward. He would allude to the case of lord Henry Frederick Thynne, which was one of those upon which the imputation of the hon. member had been thrown. The fact, however, was, that his name stood at the bottom of a list of seven officers who were made because they were oldest commanders on stations abroad, thus, seven were promoted for merit to one for interest. But, even in respect of the promotions for interest, there was a law which prescribed what service an officer should have undergone; and, if he were the king's son, it was necessary that he should perform it. That law required, that he should be six years a midshipman before he could be promoted. And surely, when a person of rank gave up the comforts of life, and consented to sag for six years, he had earned his commission, when given him, with fairness. But the young nobleman to whom he alluded had served some time as a lieutenant in the Mediterranean.—[Here Mr. Hume asked what ship?—He did not then recollect the name of the ship, but he had also been a lieutenant in the Albion, and sir J. Gordon had honourably reported his services to the admiralty. He had also volunteered in a ten-gun brig to South America, and it did so happen that a junior officer was put over his head; yet this young nobleman made no complaint, but conducted himself in a manner that clearly entitled him to the promotion which he had received. As to the charge which had been made of that officer having been sent out to take the command of a vessel in the East Indies, which had not been launched, it was true it had not been launched before he set out, but it was expected to be launched before he arrived. With respect to the case of the hon. Frederick Spencer, upon which was grounded another complaint of parliamentary influence, it should be recollected, that his connections acted with the opposition. How, therefore, could that have been a *case of parliamentary influence*? The

hon. member seemed to be of opinion, that with the end of the war, there ought to have been generally an end of promotion. But what did he think that such a war which was eminently a naval war, could have closed without leaving great claims upon the gratitude of the country? Those claims were indeed constantly diminishing on account of vacancies by death, and by those who left the service; and if some young men were not brought in, what would become of the navy in the event of a new war?—The hon. member had found fault with the coronation promotion. But what was the fact? There were no midshipmen promoted then, but such as had passed in 1813, and the oldest commander on every station was promoted; the youngest of whom was made either in 1811 or 1812. The lieutenants who were selected were those who had been employed for the last eight years. There was an immense number, indeed, employed during the war; but many of those had since entered into other service, or gone out in merchant vessels. Therefore, the admiralty had picked out for promotion all who had been employed for the last eight years, as being within their reach. There was no favour. The oldest had been made in 1794, and the youngest, he believed, in 1806. He could inform the hon. member, that there had once been a promotion on his principle. It was a jubilee promotion, in which the oldest officers were taken according to seniority; and he considered it a foolish promotion. The first lieutenants of flag-ships were generally the best officers, picked out by the admirals; and it sometimes happened that admirals had an inclination to keep them out of their promotion too long. They were consequently fit subjects of promotion. As to the gross numbers to which the hon. member had referred, he had unfairly stated them. When he found fault with the number of promotions since 1814, it should be remembered that there had been fought since that period a certain battle of Algiers, which attached to it extensive claims. Many claims had also arisen out of the coast blockade, in the counties of Sussex and Kent. Officers employed on that station frequently risked their lives, by dashing into the waves to save shipwrecked mariners. It would not be denied that such men deserved promotion. Then there had been pirates of a most audacious character in the Red Sea;

and our officers had signalized themselves in their extirpation.—There was also slavery to be put down on the coast of Africa; and our officers showed their zeal for its extinction, by dashing up rivers, and attacking sometimes five times their own number: and, were not such men deserving of promotion, when covered with glory, and suffering from wounds? Such services had swelled the list of promotion, and swelled it proudly—and the admiralty was glad of it.—The hon. member had alluded to three persons of the name of Johnston Hope. But the fact was, sir W. Johnston Hope had not made one of them. One of them had been made after he had pulled down his flag, and the others had been made in virtue of an old promise given by sir Home Popham.—He then adverted to the case of another officer, who had been promoted when a reduced lord of the admiralty was requested by lord Melville, from a sense of his services, to name an officer for promotion; and he did name the officer in question. As to the invalids, the hon. member had thrown out an unjustifiable imputation, by speaking of an invaliding job, to make promotions. Would he have officers who became sick in the African and West-India stations, be cruelly kept there to die? The admirals were only allowed to fill up vacancies occasioned by death or court-martial; they had therefore no interest in having officers invalided. No officer could, in fact, be invalided, until three captains and a surgeon declared it necessary for his health that he should return home; and any captain who connived was liable to be cashiered. When he returned he was examined at the admiralty, by two of the chief medical officers of the board. Could this be a job? The unhealthy climates of Africa and the West Indies caused a great increase of invalids; and, when the hon. member spoke of the small number of deaths, he did not take into account the number of those who died after having been invalided. As to the promotion of captain Gambier, it happened by his being in the East Indies when his captain died. The hon. member had objected, that the promotion in the marines was not commensurate with that in the navy. The reason was, that the promotion in the marines was according to that favourite practice which he wished to introduce into the navy; namely, the rising by seniority. The marines were

not placed in the list of officers, for it was a captain into a vacancy; but marines. The navy was, that it could be filled by a captain; there would be no vacancy who were not officers. With respect to the promotion which the hon. member wished to be so inconvenient, he was obliged to the council to have considered the reasons which he had given. The House would be believing, that the promotion was proper and becoming, and would be paid to the claimant as a noble and distinguished service at the same time that of others had [Hear, hear.] give the third reading, and meet the question.

Sir *Byam Martin* made a speech in principle of promotion. He asserted it was a parliamentary principle, in that out of seven promotions, one place in one battle was given to the friends of persons who sent administrative

Sir *Isaac Coffin* made a speech in system of promotion. He was much superior to the others, and adverted to the case of a man who sailed under colour of an American war, was on board who had been for 16 or 17 years, that the happy moment which composed the whole enabled us single-handed

Mr. *F. Palmer* made a speech on such a case as that. He thought it ought to be put to a vote. Whether officers should be promoted by parliamentary influence, or by inquiry ought to be

Captain *Gordon* made a speech on the promotion of midshipmen. He thought it necessary for the service

Mr. *Grey Bell* made a speech on the grounds of promotion. He thought that standing in ground he was a great advantage, and advocated the promotion of the gallant admiral

### ***Jurors Qualification***

**JURORS QUALIFICATION BILL.] Mr. Western** said, that he rose to submit to the House a motion which involved, in its consequences, matters of very great importance. The object of it, as his notice indicated, went to an alteration in the Constitution of Juries, in so far at least as related to the qualification (by possession of property) of those who may be called upon to perform the important functions of a juror.

The hon. member said, he hoped the House would not be alarmed at the idea of touching the frame and constitution of juries. He was fully of opinion, that the measure he contemplated demanded their most deliberate attention ; but still it was such as, he felt confident they would sanction ; and which he thought, indeed, had only failed of adoption ere then from pure inadvertence to the great alteration of circumstances which time had induced. His object was, in fact, simply to render persons possessed of *personal* property to a given amount, as well as *real*, eligible, that was to say, qualified, and liable to serve as jurors. And when he reflected upon the vast amount and proportion of personal property in this kingdom which had grown up in latter times, and the character and situations in life of the multitude possessing that species of property, and that alone, he thought the House would feel with him that it was surprising that they had not yet been called out to the service of their country as jurors. From the earliest period of history, it would be found that a juror was required to possess a certain amount of property as proof of some respectability and station in life and a consequent security to the party to be tried. The accused person had accordingly a right to challenge a juror, if he did not so possess an adequate amount. It was, indeed, one if not the chief ground of direct challenge ; Blackstone, after reciting the four principal grounds of challenge to the jury given by Sir Edward Coke, propter honoris respectum, defectum, affectum, and delictum, says," but the principal is, deficiency of estate sufficient to qualify him to be a juror." A variety of statutes consequently at various periods of our history are to be found, under which the requisite qualifications have been prescribed. By the 13th of Edward I. jurors must be persons that ' by the year at the least increased to 40s. by the 2 1st, and 2nd of Henry I.

of Elizabeth enacts, have an estate of fee value of 4*l.* at least money decreasing, raised, by the 16th act, to 20*l.* per annum. act, and suffered to 5th of William and per annum in England of freehold or copy the first time copy admitted to serve on king's courts of W. by the 3rd Geo. 2nd 500 years absolute, the clear yearly value rent reserved, is qual

This attention sh<sup>d</sup> to the qualification of the importance whi<sup>ch</sup> times to their posses and it was as dis his (Mr. W's.) in the least degree fr ancestors; on this the contrary, that in the extensive class more effectually ac—that of having gent persons to ser was it any impeach of formerly confin the possession of re times, every body the *lowest* class, v some amount, and was therefore an for his responsibili derously different where the possess had an income nearly to the land dom, exclusive of stocks in trade &c all calculation: To under the interdict wise at the time, could well be cor effect was in cour expected. Not o who were, for all qualified, were ev execution of these He would not say the summoned ~~were~~ persons; b



promotion since the peace. It was most unquestionable, that advantage would be derived to the navy by mixing men of family and interest with other officers as long as they could meet on an equality: but, if promotion and commands should be given to those of family and parliamentary influence, so as to dishearten and disgust the officers of long and meritorious service, he contended that the ruin of the service must ensue. He believed, from the testimony of many able officers, that it had already by these means commenced, and, if so, it was time to arrest its progress. The long lists of forty, fifty, and ninety officers of different ranks, which he had produced to the House, remained substantially correct. An attempt had been made to explain the case of lord H. F. Thynne, as one of rank for seven of merit on the foreign-station list for promotion, as if that had taken place by chance, omitting altogether, to answer the charge made by him (Mr. Hume), that the admiralty sent out whatever persons they chose for promotion, and make such arrangements by change of stations and by invaliding, that those they sent out were certain to obtain the intended promotion. These promotions appeared to superficial observers, to be by chance; but it was well known to every naval officer how that was invariably arranged by previous admiralty orders. The gallant admiral had given credit to lord H. F. Thynne for volunteering to go out in a 10 gun brig under a junior officer: it was well known he was sent out for promotion; and when it was uncontradicted that he superseded 3,588 lieutenants when he was made a commander, how many lieutenants must the officer who had been his junior as lieutenant, and who commanded the brig, have superseded? He would inform the House, he believed the person alluded to, was the hon. F. Spencer, who had, when made a commander, superseded a 3,642 lieutenants [Hear, hear!]. That admission aggravated the charge in his opinion. It might be true, that the families in opposition to the government also received their share of the promotions, but did that admission do away his charge of family influence, or lessen the evil to the service and the country? Certainly not. The government ought to make a stand against such influence, from which ever side of the House it came: and the best interests of

the navy required, that the navy required had proved, by commanders not on surveys) that were old officers would not employ of old officers the claims for promotion to those who had years, it was quite a mission complete he had made—the old officers who had been stated, in flattered language, blockade were in motions in the whilst he doubted system to the navy any of the noble promotions to the fair claims for service Red Sea, on the cases of shipwreck object to; but his claims had been that far the greater tions had taken place and when he considered and unsatisfactory royal marine officer the navy, he thought substantiated, and sense of the House an inquiry into the admiralty.

The previous question the first, second, resolutions and no resolution, the House Noes 153.

#### *List of*

Aubrey, sir J.  
Bernal, R.  
Bright, H.  
Barrett, S. M.  
Coke, T. W. jun.  
Creevey, T.  
Denman, T.  
Foley, John  
Griffith, J. W.  
Hobhouse, J. C.  
James, W.  
Jervoise, G. P.  
Kennedy, T. F.  
Lennard, T. B.  
Lambton, J. G.  
Maxwell, J.  
Monck, J. B.  
Noel, sir G.

some degree, to the sum to be expended? They were first told that 100,000*l.* would very probably cover the whole expense, and a sum to that amount was voted by the House; but they now found, that instead of 100,000*l.*, the sum expended was not less than 238,000*l.* It was said, that the expense had been considerably increased by the delay of the coronation from 1820 to 1821. That might be; but why, in that case, was not a new estimate laid before the House in 1821? He had asked, in 1820, whether it was considered that the 100,000*l.* would be sufficient, and he was answered, that it would. Now this was unfair; for he was satisfied, that if the whole sum was mentioned to the House at first, it would have required greater persuasion than had been used to induce them to consent to it. Next, as to the application of this immense sum. He would wish to know something on the subject, and he thought the House had a right to expect it—not merely as a matter of curiosity, though that might not be out of the case, but as a matter in which they were interested as guardians of the public purse. He should wish to know, how it happened that such an expense should be incurred for robes. He should like to be informed why that bauble—the crown worn at the coronation—was kept so long at such a considerable expense to the country. He did not know whether it might not have been returned a month or two ago, but he did say, it was an unnecessary expense to have kept it so long at an increased expense. The whole of the jewels of which it was composed was about 70,000*l.*, and the retention of it had entailed an expense of 6,000*l.* or 7,000*l.* a year on the country. Why was there so much concealment on a subject which ought to have been open to the investigation of parliament? It was not creditable to ministers to use this concealment. If the expenditure had been just and unavoidable, a committee would not be objected to. The committee could investigate the whole subject in eight and forty hours. There could therefore be no objection to the appointment of it on the score of time. The hon. member concluded by moving, “That a select committee be appointed to inquire into the circumstances which occasioned, in the expenses of his majesty’s coronation, an excess of expenditure of 138,238*l.* more than the estimate of 1820, and into the several items constituting that expen-

diture; and also, to authority the sum applied to discharge the previous sanction.

The *Chancellor* of the Exchequer said, that he would not sit on the committee, on account of his being from the House the sum expended on the robes was not applied. There was on the part of government no imputation that had taken place, that had been cast of a doubt. With respect to the robes, so much less than was frequently expended, many of the services performed by the jewellers listed by Mr. Burke were left as to what particular departments they were to create. They were in many instances, but there was no certainty as to when in 1820, it was thought that it was sufficient. It should be collected, that the expense was greater at that time than it had been sixty years before, with respect to the crown. It had been a charge which had been contemplated on the jewels of the crown for which 10 per cent were, besides, other jewels for which jewels had been advanced, the circlet by the sovereign or one formerly in use for repair, that it was several additional jewels occasioned a considerable expense at the coronation of George IV. hired were valued at the per centage at which it was much less than the estimate, yet the expense was 15,000*l.* The increase from 1820 to 1821, had ably enhanced the expense. It was made in 1820, it would have been the same if the jeweller was entitled for that year as well as for 1821. This made the expense double the amount of the coronation, it was the crown might be pur-

royal regalia, to prevent the necessity of hiring jewels on future occasions. But the government, knowing that the expense of purchasing the crown would amount to 65,000*l.*, felt that they should not be justified in purchasing it, until they knew what the whole expenses of the coronation would amount to; for if they should be greater than the calculated amount, as actually was the case, they were not willing to increase them by the purchase in question. It was only right for him to state that his majesty was strongly inclined to sacrifice a large portion of that part of the civil list which was more immediately under his own control, for the purpose of purchasing a permanent crown, and placing it among the regalia of the kingdom. But as his majesty, with that consideration which marked every action of his life, had last year determined to give up to the wants of his people 30,000*l.* from that part of his income out of which he intended to purchase this crown, it was impossible for him to conclude the purchase, until it was previously known how far it was possible to bring the expenses of his household under the still more limited scale which it would be then necessary to adopt. It was necessary that some months should elapse before that problem could be solved; and it was not till the commencement of the present year, that it was ascertained that the royal establishment could not be conducted upon so limited an expenditure as his majesty wished. As soon as that point was ascertained, the crown was sent back; but still the expense of detaining it was incurred. If it had been found expedient to purchase this crown, and it had been detained so long in hopes that it would so be found, its price would not have been enhanced by the detention, for the jeweller was not to have more than 65,000*l.* for it. If, in the interim, it had been sent back to him, and he had kept it in the same condition as it was at the coronation, it was only natural to suppose that he would, in all probability have asked a larger sum for it, seeing that he could not make any use of or profit by the jewels which were set in it. It was sent back to him, however, as soon as it was discovered that the expense of purchasing it was too great to be defrayed out of his majesty's personal revenues. The other item on which the hon. member called for explanation was the robes. That item was certainly a great one. It

amounted to 24,000*l.* the House that it regarded to those robes with the usage of the ceremony required be two dresses of state and the dresses used in every respect similar to former occasions. He was to say whether the robes of fur on the last coronation neither could he purchase the gold lace border of an inch broader than had been before. He was making a comparison therefore he thought it would be little likely to enter into the proposed purchase of the expense of the high price of the robes from another cause. It was necessary to alter the articles in question included in these robes remained in use. It was a new set of robes to appear in on the day of his meeting and parliament; and those robes borne some reference to the sovereign had worn. It was true that he had ordered new robes but that very circumstance was necessary for his present use of them. The robes worn before his coronation were century old. The robes stitched together indeed were so rotten that they had trod upon the shoulders immediately fallen. It would surprise the House to know that he had ordered new robes. The expense of the robes was an item of 24,000*l.*, which was so high by the general estimate of the article. Having adverted to the robes on which the hon. member would now touch upon with which he had no predecessor in office. He had certainly stated the expenses of the robes to exceed 100,000*l.*; but the ceremony, the robes and the circumstances







ing them in a royal residence. If those rooms were to be stripped of the treasures which they had so long contained (and he was grieved to hear that such was the intention), was there no other royal palace to which they could be removed? He did not deny that the gift to the people by his majesty was a noble one; but he must say, if he could keep that royal library where it at present was, he, as one of the people, would willingly forego his share of that gift. But if it should happen, as the rumour went, that this octagon-room was to be appropriated to a strange and a very different purpose, with what melancholy feelings would Englishmen in future times, when showing the palace, confess that the founder, George III., had designed it, first for a chapel, and secondly for a scarcely less holy purpose, the reception of this library; while, now, alas! the only books which were received in it were some stray pamphlets used for the purpose of heating a stove or warming a bath. Scarcely had the Alexandrian library shared a more lamentable fate. It was, he assured the House, rather for information than with any other intention, that he asked whether his majesty had any right to give away these books? Would he have any right to sell? He would not; and therefore he had a right to infer that he could not dispose of them in any manner. He was not certain that the library was in the nature of an heir-loom; but he thought it was. To refer to that authority so commonly quoted in the House—that of Mr. Justice Blackstone—he looked upon the library in the same light as the crown jewels, which that learned judge had said were inalienable from the person of the king; because they were necessary to support the dignity of the sovereign for the time being. If the crown, and the sceptre, and the jewels, were thus thought necessary for the maintenance of the kingly state, he considered that this noble collection of books was no less necessary, and would much more contribute to that purpose. By the provisions of the king's private-property act, it was provided, that in case no actual disposition should be made by will, all other methods of distributing the property should be void. Now, his late majesty had made no will, and therefore, if the former argument had been correct, it could not have been demonstrated that it was the manifest intention of his

that the library should be given to one of the royal palaces. He never intended to remove his books to the new palace. It was evident from the fact, which he made to him for life-time, of pamphlets. If, therefore, the intention were to effectuate the late king's wish, he never would sanction the removal of his books from a royal palace, particularly when it was the shadow of evidence that the late king wished his library to be in the British Museum. It was that one way of showing the respect of his late majesty to the House, it were not asking the late king's majesty, he thought the house might be better advised to choose to consult the public where they were to be of advantage. His late majesty did, only a few copies of the palace, might spend a week for the purchase of the books. But, if the objections to the late king's intention remained as strong as before. The first in the list of books, came from the Chancellor of the Exchequer, in the nomenclature of the late king, hinted at this. The trustees of the late king's library see at once that the late king's library; and with the late king's intention, actuated by any (Mr. H.) could be the late king's intention were earnest in the late king's intention. But it should be the late king's intention was in the late king's intention numerous and very late king's intention consisted of the late king's intention who, when they were adding to a late king's intention be preserved in a late king's intention others he would have known, and the late king's intention learning had spread this country—Mr. H. the late king's intention disposition of the late king's intention been a contributor to the late king's intention his intentions. W. H. the late king's intention to ask, had Westminster the late king's intention mention of a late king's intention king's intention

within that important part of the metropolis, no library; or none which could be properly so called. An example had been afforded by the trustees of the British Museum, of their unfitness to be intrusted with the present collection, from the use which they had made of that complete collection from the reign of Henry II. to that of George II. which had been presented to them. This collection had been mixed up with the books which they already possessed. The admirable order in which it was arranged had been confused; and by losing its identity, the whole of the collection had lost its interest. There was no security that the same confusion would not take place in the present instance, or that the books would not lie in boxes (as many other valuable parts of the treasures of the British Museum still did) until the building intended to receive them should be completed. He could not account for the strange attachment which seemed to be shown for having these collections all under the same roof.—He now came to an objection which he considered a vital one. It was the number of duplicates, already great, and which must be necessarily increased by the addition of the king's library to that of the British Museum. It appeared that, of the 65,000 volumes, of which the latter consisted, 21,000, or one third of the whole number, would be duplicates. He had been informed that the number of duplicates would even extend to 29,000; but taking it at the lower amount, he asked, could any thing be more preposterous than this? This objection could not be got rid of by the sapient excuse suggested by the committee, that the same book might be in requisition by different gentlemen at the same time. He had never heard of such a pretence being urged; and, it was quite absurd to apply it to literature of a character so *recherché* as that which composed the library of the British Museum. It was said that this union of the two libraries would make that of the British Museum one of the most complete in Christendom; but it was well known, that in topography and geography the collection of the British Museum was not by any means complete. Would the House, then, for the mere purpose of completing this collection, condemn 12,000 volumes, so carefully collected, to no diffusion in a place fit for the

reception of the Banqueting-hall, at its dimensions, and for its purpose. He understood that the sum of 5,000*l.* would not completely fitted required a much larger sum; this was not an objection which the House ought to have in its mind. Upon the situation of the Banqueting-hall, it was unnecessary to make the internal arrangement, the beauty of the building could conduce more with the rare volun- tary bounty had presented might be said, that the House voted to the celebration at which the soldiers it was not proper to edifice. To this he replied, that it never if it had been, he could not say that there would be in placing the royal walls, in which the at the divine service however, these objections he would mention a very fit and convenient royal library. He would be devoting more constitutional in continuing it, as it was soldiers. The reason to retain the collection town, was, that at a might be provided for of the kingdom. The scattered, in twelve were exposed to care those precious de- guarded. He hoped on occasion, to engage men of all parties, in the benefit of the present, and of the king, and to prevent being placed in a situation persons would con- sider. He should conclude with an Amendment, "That public money be given for building for the king's library, until formed, whether the not be so placed immediately adjacent to the two Houses of public offices."

Sir C. Long said, that although he gave the hon. gentleman credit for the motives which had prompted the appeal he had just made, he must differ from him with respect to the intention of his majesty, which, he believed, was, to render a service to the public, and which it was the duty of the House to make as conformable as possible to the public convenience. The hon. gentleman, in calling the library of the British Museum, one of the most complete in Christendom, had greatly over-rated it. It was, in fact, only the fifth or sixth public library in Europe. It consisted of only 125,000 volumes, and must therefore be called almost insignificant, when compared with that of Paris, which appeared by the catalogue published last year, to contain 450,000 volumes. He would not be understood to depreciate the British Museum library, which was highly curious and interesting, but which was incomplete as a general collection. It was necessarily so; having been formed from the private collections of persons, whose object in making them had been to illustrate some favourite branch of science. Whereas, the library of his late majesty was, on the contrary, perhaps the most complete, for its extent, that had ever been formed. It was obvious, therefore, that this must be in every respect, a valuable acquisition; and he believed he was authorized in saying, that his majesty would prefer its being added to that of the British Museum. The quietest place was assuredly the best for purposes of study; but the hon. gentleman would choose the noisiest spot perhaps in London. He had never met with any one who thought that Whitehall Chapel would be a convenient place for a national library. It had, besides, been used upwards of a century for the celebration of divine service; and if it were now converted into a library, a considerable sum must in consequence be expended, in building a church for the use of the guards.

Sir *J. Mackintosh* said, there were two questions put in issue, in the vote before the House, which his hon. friend, the mover of the amendment, had not sufficiently distinguished. The first was, the union of the two libraries, and the other, the proper site of the building in which they were to be contained. The House must recollect, that the British Museum, whether the king's library should be united to that which it already contained or not.

*Library of the la*

must be rebuilt ;  
sarily attendant u  
point of the obje  
measure. Hereall  
ty, in the dispositi  
titled to the high  
it from a place wh  
rily surrounded by  
a palace—attracti  
ent kind from the  
lated to invite the  
to literary investig  
a homely proverb,  
ous to look “ a gil  
and he was persu  
wish that this fin  
placed in the situ  
rendering it most  
The union of this  
British Museum  
general reference,  
that all who kne  
for literary resear  
in its obvious pro  
of one great libr  
was, independent  
tial for the hono  
ture, that he had  
doubt cast upon  
cumulation. H  
that from the na  
seum, strong ob  
quence of its be  
all were agreed, t  
building, which s  
incombustible.  
ness of this coun  
a national library  
Museum, did no  
even with the ad  
nificent gift, it w  
of a suitable libr  
lection of which  
to be proud ; wi  
would not be hal  
library at Paris, t  
accessible library  
tainly, in some  
curious than the  
Vienna, and the  
When he looked  
at the British Mu  
of the manner in  
been stinted an  
ment: a library  
quate sources of  
endowment was  
principle of its ut  
case at the British  
five years, in com



commencing such an establishment, if that could ensure the erection of a building worthy of the noble purpose to which it was to be applied, and the great nation to which it was to belong.

Mr. *Lennard* entirely concurred in the propriety of uniting the two libraries.

Mr. R. Colburne was decidedly in favour of a union of the two libraries. He rejoiced to hear that they were about to lay the foundation stone of a national gallery of paintings. It was rather singular that this was the only country in Europe which did not possess such an establishment, although by far the richest in the world in that branch of the arts.

**Mr. Croker** regretted that he should be obliged to differ, however slightly, from his right hon. friend (sir C. Long), whose speech upon the present occasion was such as was to be expected from the elegant acquirements and refined taste of his right hon. friend. He (Mr. Croker) was anxious so to shape their proceedings, as, if possible, to obviate certain objections which had been started on the other side. With this view, he suggested the propriety of omitting the words which directed that the new building should be erected in that disgraceful place known by the name of the British Museum. He was most desirous that there should be erected a building worthy of the magnificent bequest of his majesty : but he could not enter into that huckster-like feeling which recommended that a part of the library should be disposed of ; and the less so when he found that the trustees were at the same time applying for a grant of £40,000/. for the same purpose. It had been stated, that in the library of the king, containing 65,000 volumes, there were 21,000 duplicates, and therefore that that number of volumes at least might be disposed of. It was for the committee to understand what they meant by the word duplicate ; for if there happened to be one edition of Virgil in one place, and another in another, surely no man could call the one a duplicate of the other. He was most anxious, not that the king's library should be sent to the British Museum, but that both libraries should be ~~erected~~ in some convenient and eligible place erected for the purpose. What name of God, select Montague the most proper place in which so valuable a collection should be found ? The answer was given, "with the sanction of the king."

*Library of the late*

corner of Chancer, by the celebrated composed of more than Montague-house with the exception fire-proof of any. And, in the event be the result? might be dug out were they to replace manuscripts which were which it would be replace? The who side and outside, with the appearance of his recollection a occurred during the by Lord Nelson. The attack, landed affecting an armistice a magnificent stair to the royal palace. paused for a moment panelling of wood Edward Berry, who observed, "Berry, some, but it will hardly possible for staircase of the beauty of which upon, without making reflection. Not to trustees of the Association should mention, the length considered fire-proof; and an outhouse, of an increased adjoining incombustible place were placed—what No; but the mar first thing they did Townley Venus, in—a closet so small, hardly have found though she was being to bathe. But the Fawn; and this P themselves bound another closet of the size of the table on to accommodate additional parallel Townley gallery was the British Museum of the trustees deal



a situation that should reflect credit upon them. He considered that their tastes individually were at stake. The money might be easily raised, and as easily disposed of; but at least let them recollect what was due to themselves and to the character of the nation, in the selection they made of a depository. Let them not subject themselves to the same sort of ridicule for an abortive attempt to rival their neighbours in such a selection, which the poet who had satirized the taste of England as it prevailed in his day, seemed to imply in these lines—

“So when some cit his weak invention racks  
 “To dine, like peers, at Boodle’s or Almack’s;  
 “Three roasted geese salute th’ astonished  
 eyes,  
 “Three legs of mutton, and three butter’d  
 pies.”

To return, however, to the trustees. They, at length, imported taste from a country, which was said indeed to have been once the land of arts and sciences; they bought and imported from Egypt a head of Memnon; and, having got it safely home, they discovered that it stood rather higher than their ceiling. Then they wanted a place to hold the head, and two other huge Egyptian relics of a singular shape; so they built a double cube, which was the continuation of the aforesaid parallelogram. Unfortunately, it turned out that this head of Memnon was a dev’lish long head; insomuch that they were obliged to raise the ceiling of his closet somewhat higher; so that the roof of the closet which held the Townley Venus was of one elevation, and the roof of the closet which enclosed the Memnon’s head of another. In all that he had said, he would wish the House to observe, that no doubt could exist as to the purity and disinterestedness with which the affairs of the British Museum were administered. No person could in reason doubt of the earnestness or zeal of the trustees: all that he complained of was, that that zeal had hitherto taken a rather tortuous and unsightly direction. He would submit to the House, that in regard to any proposed new building for these books, a wholesome doubt ought to be entertained about their selection of the architecture. It had been said, that this was a new era of taste in England; and he hoped the truth of the assertion would be testified in that selection. In conclusion, he would suggest that it would be better, by way of amendment, to leave out of the motion

all the words w  
 British Museum,  
 money to the kir  
 of by and with th  
 / Mr. *Bankes*, a  
 with the import  
 management of  
 the principal ob  
 sonal attack had

Mr. *Croker* di  
 making a person

Mr. *Bankes* i  
 might be, the l  
 been very scrup  
 they now stood;  
 under which hea  
 internal arrangen  
 was apt to supp  
 man had not very  
 blishment. He  
 of the rooms in  
 riance with the fi  
 to the Townley  
 kind of rotunda,  
 semblance to the  
 a circle had to a  
 take of the hon.  
 scription of the l  
 up for the recep  
 but which had in  
 the reception of  
 which was an ex  
 which had been  
 Again, with respo  
 had afforded the  
 tunity of lugging  
 hagen and lord N  
 he had only to sa  
 apparently good,  
 the staircase of t  
 not of wood but  
 sidered the hands  
 tropolis, being c  
 the principle of  
 gentleman then  
 defence of the c  
 and declared his i  
 amendment.

Sir *C. Long* de  
 the trustees, and  
 tary of the Admir  
 informed as to w  
 committee.

Mr. *Bennet* con  
 convenience whic  
 Museum, and said  
 been expended on  
 little purpose.

Mr. *Hudson* G  
 vote with the chan

There was immediate and pressing necessity to provide a fire-proof building for the manuscripts and documents of all sorts preserved in the Museum; and if we were to wait till the magnificent plans proposed by gentlemen could be realized, the end might be, that we should see nothing would be done. At the same time (the hon. member said), he rejoiced at so strong and universal an expression of a feeling, that the establishment should be more adequately supported; and adverted to the late negotiation with Mr. Salt for his Egyptian antiquities, in which he considered Mr. Salt had not been met by the trustees on the part of the public, with the liberality, which, in common fairness, he merited.

Mr. *Maberly* thought, that the disposition of the money which was to be expended in a new building should be placed in the hands of a committee.

Mr. *Hobhouse* rose to withdraw his motion. He would take that opportunity of observing, that his hon. and learned friend had attacked, not any thing, certainly, which he (Mr. H.) had stated, but something which he had himself advanced. Like Tom Thumb, "he made the giants first, and then he killed them." His hon. and learned friend had broached a plan which was as liable to objection as any that had been proposed from any other quarter [a laugh].

Mr. *Croker* moved as an amendment, that the words "British Museum," in the original motion, be omitted.

The committee divided; the numbers were, for the original motion 54, against it 30.

## HOUSE OF COMMONS.

*Monday, June 23.*

BRITISH ROMAN CATHOLICS TESTS REGULATION BILL.] Lord *Nugent*, on rising to move the order of the day for the committing of this bill, said;—I trust the House will indulge me with leave to make a few observations. When I first offered to the House, the observations that occurred to me in its support, I stated that I had carefully avoided all communication with those who were principally the objects of it. I stated then, as I feel still, that I should have very much regretted the seeing them petition for any act of imperfect toleration like this. I should have very much regretted the placing them within so painful

an alternative as to on the one hand, claimer of the who on the other, the a to be placed upon privilege with the they still feel and I to be one of grievance was on this conduct for which, if it was e they were in no real an argument, of son was founded by member for the uni He seemed to feel measure were found justice, still the case be incomplete, until upon your consideration themselves. Until that what was just beneficial to them have proposed to the nor could I at the hon. friend, who, I think, while he admitting the Roman share of what he power, would at the impression of their with the House whether or no we are the less disposed course I in that respect I am rather disposed if I had adopted should scarcely have the real difficulty always feel in support the relief of the Having, however, on occasion I felt to be in case and the purpose you, it is some satisfaction that they do not deduct I have pursued should certainly have it. The more so I subjected me to a friend's argument. that account have swerved from my never was, to obtain It was, as far as I obtain justice for to reconcile their opinion service; and through to do service to the body of the people unite the

privilege and in sentiment, undistinctly and inseparably. It is, however, satisfactory to me to find that I have not misconceived their wishes or opinions. At a meeting of the most considerable persons of their body, held since I first introduced this bill to your notice, it was resolved, that they approved of this bill, I quote their own words, as of one which, "brought under the consideration of parliament without any participation on their part, they are convinced would enable them, in the discharge of new duties, still farther to evince their zealous attachment to the institutions of their country." And now, Sir, the bill is in the hands of the House, and the House will this night determine whether it answers the objects, or whether in any respect it goes beyond the objects, to which the House the other night gave its pretty general sanction. The objects of the bill are two-fold. First, the elective franchise, and secondly, under the limitations of the act of 93 in Ireland, and under the conditions of the annual Indemnity bill, the magistracy and certain offices. The first of these provisions, the elective franchise, is by far the simpler—It resolves itself into a question of principle only. This object was met by the right hon. secretary for the home department with that candour and frankness which characterizes every part of his conduct in this House, and on which I am sure he would feel, that no compliment ought to be paid, or received. It would be impertinent, in the one sense of that phrase, to the question, and almost an impertinence, in the other sense of the phrase, to himself. He will, I trust, however, allow me to say, that these qualities in him, while they increase ten-fold the value of his support, render his opposition always much more formidable, because always much more consistent and much more respectable, when a sense of what he feels to be his public duty deprives a measure of his sanction. Even to the friends of Catholic Emancipation it is some consolation that, by him whose opposition is the most to be deplored, their wishes never fail to be encountered in a spirit of manliness, which would scorn to avail itself of any topics, or of any means which he would feel to be unworthy equally of the subject and of himself. On the subject of the offices, I do address myself principally to my hon. friend the member for Oxford, in consequence of his having on a preceding

evening. They pressed themselves value and import the Test act; as a and important sec Church. Now Sir, in disguise on my part. It would be an ill I feel to be the reserve with which would be bad possible bill itself, which, carried without a or compromise or hesitation in saying Sir, whenever the act may come forward should be prepared from considering its security to the Establishment its best security would be total repeal. Because established church securely, or even excepting as founded of a great majority also as founded in and toleration with capacities political compatible. In the sake also of a body point of numbers in the state, I mean the Protestants but look forward with ultimate repeal of the consider it to be, a man assumed it a fundamental law, the history of the passed, and from the authority of some who that it was passed and that it was passed with heat and violence, I cannot consider because I find that automatically, invar near a century, a succession of Ind by the provisions but against the protection of that protection of Still, Sir, desirable repeal of this law to wishes to what material object, and acting most unwisely covertly to cancel am not prepared to

right hon. gentleman, therefore, and my hon. friend, the member for the city of Oxford, will perceive, that by my bill neither of the securities of the Test act is repealed. A certain number, it is true, and a very limited number, of offices, is practically withdrawn from under the operation of *one* of the provisions of the Test act, namely, the declaration against popery. The other provision, namely, the sacramental test, still remains operative over the whole range of offices. In this view, if I render myself intelligible to the House, I wish my bill to be considered. The effect of it will be, to render the British Catholics admissible to those offices which are already open to the Irish by the bill of 93. But, in this respect, to leave them still in a condition lower in point of privilege than the Irish, that they may only hold those specified offices under the same conditions as those under which *all* offices are open to the Protestant Dissenters. Sir, with every feeling I entertain on the subject of the Test act, with every feeling I entertain on the subject of universal and perfect religious toleration, and those feelings are confirmed by every year's reflection and experience, I do feel myself, in respect of this bill, bound to the House by a pledge which it would be, if possible, more dishonourable in me to attempt to evade than even directly to violate. It has been demanded of me, why I relieve the whole magistracy of the country from the oath and declaration against popery. Sir, a considerable portion of the magistracy do not take them now. Remember they are, as well as the sacramental test, made conditions subsequent by the Test act. So that, in truth, it is now little more in practice than an exploit of purely gratuitous zeal, that makes a man, qualifying for the magistracy, volunteer to charge with idolatry four-fifths of the Christian world, and the whole Christian church for at least seven centuries before the Reformation. But, Sir, for another reason, and a pretty strong one in my mind, I have adopted this course—that my avowed object being, in respect of these offices, to place the British Catholics on the same footing with the Irish Catholics and the British Protestant Dissenters, I should defeat that object if I left the Catholic magistrate under the obligation of one oath, and all other magistrates under the obligation of another oath. For example: two gentlemen, a Protestant and a Catholic,

qualify together for one, we will suppose an oath, such as the law might provide for I, B. A. am a Catholic, a Protestant, turn magistrate elect, a member of God, and under that oath, I declare that I am a Protestant. Sir, would this be a scene to exhibit at the House? What is the oath I tender to the Catholic? The oath called Dr Sir, for two reasons such an oath. What absurdity in terms to swear that he can swear that he can swear the objection of of man ever conceived of absurdity? But Catholic swear that murder. Sir, what upon them this know, the House whom one reason least every man reasoning with on a that the Roman doctrines with as we do. I will oath; I will not calling on his name drivelling absurd fellow Christians by calling on the not consider the every tie the most If any other gentleman value to such an assertion of it, so benefit of the objection I would, doubtless, submit to not be willingly oath shall ever mine. Sir, I remember, the oath changed my ground the spirit in which intentions on a false judgment of the I have changed the hon. member denying the fact.

With regard to perhaps known to are a few instances now acting in the

of two most respectable instances. One in Yorkshire, and one in Cumberland. In the latter county a gentleman, of one of the first families in England, who acts under the special recommendation, a recommendation highly honourable to both parties, of a noble person not generally supposed to be very favourable to what is called Catholic Emancipation, I mean the lord-lieutenant of that county, my lord Lonsdale [a laugh]. But in these instances these gentlemen act in the commission declining to take the oath and declaration, and sheltering themselves under the provisions of the annual Indemnity act. But, Sir, is the House on the whole, of opinion that the office of a magistrate is one which ought to be held under circumstances, if not of doubt, at least of mere sufferance and compromise? Remember that the office of a magistrate gives power in many cases over the property and liberty of our fellow subjects. I think the House will be of opinion that this office, so giving power over property and liberty, is one that ought not to be held under any circumstances of doubt or compromise. With regard to the act of queen Anne in Scotland, I think I need not consume the time of the House on that point. This is a bill which only relieves the Roman Catholics from certain tests and oaths, and cannot therefore affect an act which disfranchises them by name.

In some of the very lowest offices to which men are eligible, the discrepancy between the laws affecting the British Catholics and those of Ireland is felt by the former most severely. Is the House aware that not even the lowest office in the Excise can, in Great Britain, be held without qualifying by abjuring popery? The effect of this now, is most absurd and anomalous. Since the consolidation of the revenue of the two countries, Irish revenue officers may be stationed in Great Britain. What is the effect? Why, that here, in Great Britain, the Roman Catholic who received his first appointment in Ireland may act as an officer in the Excise or Customs. The British Roman Catholic attempting to qualify, at the same port, perhaps, or station, is met by a declaration disqualifying him as an idolator. Sir, there is no impression I should more deeply deplore than that admissibility to even these lowest offices is matter of small importance to the parties excluded. There cannot be a greater ful-

lacy than the attitudinal grievance of disqualification which we may take from the offices from which I put it to every man any one who is disqualified from the exclusion from the rates as a punishment one, I would cite the comparative opinion of the two bills. Conformity bill. lords, among which Somers, declare, cannot be reduced to a condition than to incapacity of serving the country. And that a crime of the kind ought to put him "Disqualification" "is declared by" "gross and infamous" 3rd Hen. 4, it is "Extortion in public corruption in the offices and seats in majora crimina." in the words still on in a condition as in under such an undeliquency, under the precious exclusion can give to make and proud of the country, if the spirit sickens, if the R obscenity to which it difficult to suppress his as so justly terms and count of those very and laudable, and which should entitle and confidence. I deavoured to tam we are feeling its feeling its protection of property well feeling its protection character and conduct are feeling its protection laws do not smother in acts of public We derive protection spirit such as that every line of a resolution by the British Roman again revived at a body. I beg the



to it as a resolution worthy a great body of English citizens assembled under the presidency of a name the most illustrious in the annals of the ancient greatness and glory of our country. I urge it upon you with the greater confidence because it prays for right and justice, not upon exclusively Roman Catholic grounds, but on the broad inclusive powerful ground of universal religious emancipation, of public liberty, and universal toleration. "Resolution passed at a general meeting of British Catholics. The duke of Norfolk, earl marshal of England, in the chair. Resolved. That firmly attached as we are to the great principles of religious freedom, without which all civil liberty is imperfect, and maintaining as we do that liberty of conscience is the inalienable right of all men, and detesting every principle or law which persecutes or deprives, on account of his religion, any person whomsoever of any right or franchise, whether enacted by Protestant or Catholic; we declare, publicly before the world, that we will continue to use every legal exertion in our power to obtain a repeal of those laws by which, for conscience sake, we are hourly degraded in society and deprived of the political privileges of the constitution." Sir I will not weaken by any words of mine the effect of such a declaration.

Sir, one of the merits of the question now before you, if I at all understand my own bill, is, that it in no respect compromises any opinion for or against the Catholic claims. I have never made it in any respect dependent upon them. At the very outset I began by separating them. To the friends, indeed, of the greater measure, to those who profess to favour the principle of complete equality of privilege among all, of whatever religious tenets, need I say any thing in support of this bill? As a question of policy, as one highly beneficial to the objects of the great measure, I have never disguised from the House that I view it. I have not disguised from the House that I brought it forward in this spirit and no other. I think it is a bill to facilitate and advance universal religious emancipation, because it is a bill to soften prejudices and to reconcile differences, by uniting men in the common love of their country. Because to show that in England, a country in the civilized worship God apart and

country together a bill founded in justice; and believe that the religious emancipation with the aid of policy, liberal then, reverse this advance these people look forward to and believe is not when every subject stand a free man, restrictions on account of religion, all stand together we do now in the rights, then pay heed at least of them of toleration who are adverse should say, if your sentence of per your Catholic equalize their condition and be just to notions of justice own opinion of making it an in law. I say again spirit in which I will vote upon the spirit in which Catholic claims for it.

You have rest as well to the Roman Catholic tion to property them from active the protection. Do not continue rights which do of franchise, but stitutionally, c deprives, a very people of their s of representation is closely inter vilege. If you give privilege. think that in leg and for the affect educated in a fre of legislation is one. "Quod si retur, id quidem q" "ue amic

therefore a happy, country, we shall justify the boast, we are so fond of making, of the universality throughout Great Britain of what we call the English spirit and character, just in proportion as we encourage and indulge those feelings which make men thirst after a participation in these common-law rights.

Mr. Secretary *Peel* said, that being friendly to the general principle of the bill, he conceived this to be the proper stage at which to offer his objections to the course taken by the noble lord. The objects of the bill were three-fold; first, the elective franchise; secondly, the qualification for certain offices; and thirdly, the qualification for a place in a corporation. With respect to the first, he had no objection whatever that the Roman Catholics of this country should be placed upon a footing with their Irish brethren in that respect: but it should be observed, that they now enjoyed the elective franchise, unless indeed one of the candidates should propose to the sheriff to put the oaths of supremacy and allegiance to the voters. For himself, he had no possible objection to the repeal of the 7th and 8th of William, by which the Catholics of England were affected. But the motion of the noble lord went to repeal the oath of supremacy in England, leaving only the sacramental tests in force; now, this was not placing the Irish and English Catholics upon the same footing, inasmuch as all persons in Ireland who filled the higher offices were obliged to take both. With respect to the oath of abjuration also, there could be no objection; as it only called upon the parties to declare that no foreign potentate or power held, or ought to hold, spiritual or temporal authority in these realms, contrary to the laws and constitution of the country. With respect to the other tests, why, he would ask, should a magistrate refuse to take the same oaths which were imposed upon the lord chancellor and the other officers of the first distinction in this country? If he might presume to advise the noble lord, he would recommend him to divide his bill into two parts, separating the clause which went to give the elective franchise from the other parts of the measure. He hoped, indeed, that the noble lord would confine himself to the principles upon which he grounded the introduction of the bill. The noble lord had been totally silent with respect to the Catholics of Scotland.

VOL. IX.

Lord *Nugent* to introduce a sp to Scotland.

Mr. *W. Bankes* he considered it and dangerous c

Mr. *Brougham* ber for Cambridge objections until t mittee. He agr secretary, that th into two parts, w moving in the or to the committee could be little do the bill, relative t would pass if it t sure. If the othe not pass, the Cal nothing; they wo same state as befo

Mr. *H. Banks*. The principle of franchise formed the measure.

Mr. *Canning* r lord to divide his l question respectin would then be disc He would also rec to confine his bill t stated in his notice English Catholics with the Irish Rom

Mr. *Wetherell* of Lord *Nugent* ro in consequence of right hon. secretary department, and f support, he certain proposition in the t sure it his entire N.) cared but litt by which these justice were to be ciple of which th man had expressed him. Looking on benefit to be gained should certainly co to the suggestion th had thrown out. E ever, the imposing oath upon the Ro sively. But he did jction, if the right t it, to the making t repeat, for the privi the oath which the supposed to take, f

emption from the penal laws. He should therefore move, "That it be an instruction to the committee to divide the bill into two bills."

The motion was agreed to, and the House resolved itself into the committee.

**LOTTERY.]** The House having resolved itself into a committee of Ways and Means,

The *Chancellor of the Exchequer* observed, that he had stated in an early part of the session, that it was not his intention, after its termination, to propose any thing in the nature of another lottery. He had expressly intimated, however, that he should have to bring forward a lottery proposition on the present occasion; and, remembering what was the apparent feeling of the House when he had last mentioned the subject, he trusted no objection would be taken to the resolution he had now to submit: more particularly as it was but just, that the parties principally interested in this department of the public revenue should not be taken, as it were, by surprise. He would therefore move, "That towards raising the supply granted to his majesty, the commissioners of his majesty's Treasury be authorised to contract with any person or persons for the sale of any number of tickets, to be drawn in one or more lottery or lotteries, not exceeding 60,000, at such price, and under such rules and regulations, as the said commissioners shall think proper."

Mr. *Leycester* opposed the resolution. He observed, that the chancellor of the Exchequer had endeavoured to recommend his proposition, by stating that it was the last session in which he should have to bring it forward. But why was the country to be infected with this moral pestilence for another year, seeing the misery and vice which it disseminated in every part of the kingdom.

The resolution was agreed to.

## HOUSE OF COMMONS.

*Tuesday, June 24.*

**PETITION OF THE HON. BASIL COCHRANE COMPLAINING OF THE CONDUCT OF THE VICTUALLING BOARD IN THE EXAMINATION OF HIS ACCOUNTS.]** Mr. *Denman* said, he rose to present a petition from the hon. Basil Cochrane, complaining of the irregular and oppressive mode of doing business. — Moved by

the Victualling Board, that he had stated, that he had and he complain had incurred to be investigated. Petition the board, from the board containing one hundred letters, and he had answer from the board stated that he came purpose of getting the board having required not fewer than 9,000. Scarcely any of the and petitioner believed be made solely for the delay. Upon the accounts, the board 9,129l., the payment required in a month. In litigation, they admitted due; thus reducing of 2,322l., of which remptory payment days. For a part tioner was prosecuted the chancery. The petitioner was for rate of interest on for the charge of sion. After a proceeding for four years being exhausted he offered the board 753l. for eleven years mission, which the Further investigation the final result was struck in favour of amount of 902l. I claim for commission der prosecution in for four years, and him at one time for 3,322l.; and he most peremptory counter sum in five days found to be a credit. The costs to which exposed in the court amounted to 3,000l. his claim to 5,000l. board would not which he had mentioned learned gentleman nion, the charge was ture, and required tion. The petition for he referred in which could

circumstances of the case shewed a great irregularity in the board. It was a fair specimen, he presumed, of the manner in which they transacted the public business; and he trusted, that hon. members who paid particular attention to such matters, would have this petition printed, and give to it all that attention which it so well deserved.

Sir *Joseph Yorke* said, that he had the honour of a seat at the board of Admiralty, when this transaction was under discussion. Business had been done to the amount of a million and a half; forty-nine packets of letters had been written on the subject, it was not, therefore, singular, that it should be a case of difficulty. The accounts had been often discussed. It appeared to him to be like an amicable suit between the parties. The petitioner had been contractor in India since the year 1794, and he had charged one and a half per cent commission, and twelve per cent interest for money lent to government. These demands could not be complied with; he knew the board to have been most anxious for the adjustment of all the accounts: and he lamented that the settlement had been deferred to the year 1822.

The *Solicitor General* expressed his astonishment, that the hon. and learned member who had presented the petition, did not state why the original balance against the petitioner was reduced from 9,129*l.* to 3,322*l.*; the fact was, that 5,806*l.* were paid for him by his agent, on account of this balance. Of the other items, he had claimed 400*l.* commission, and 1,800*l.* interest, and he had also demanded a half per cent for what he called his contingent account. These claims were not allowed. He also required twelve per cent interest, which was refused. The board sued him in the court of Exchequer, and before the cause was brought to trial, it was referred to the arbitration of two counsel; one was the lawyer employed by Mr. Cochrane, the other was employed against him. The arbitrators had power to call in an umpire, if they differed. They did not differ: they decided against the petitioner: his claim of 12 per cent interest was reduced to five; his demand of one-half commission was still undecided, when he had made a fresh claim of 3,000*l.* He had also started a new demand of 15,000*l.* An ultimate arrangement was, however, made, that the petitioner should receive a sum of 1,200*l.* as an equivalent for all

demands; and then he withdrew from him. These are the facts of the case; and the House will see from the document presented by hon. Basil Cochrane, that the board, or the law, were not responsible for the steps which they took in their direction and

Mr. *T. Wilson* then said, that the delay on the part of the board, remained unpursued by the board, was injurious to the individual and to the public.

Sir *I. Coffin* said, that the public accounts were not properly attended with

Mr. *Grey Bennet* said, that the public was always a loser by the delay of accounts. He thought that the offices had been multiplied, and that the hope of a better management would be required.

Sir *G. Cockburn* said, that the House that the delays in the office; the delays in the year 1807 down to the year 1822, were sanctioned by the law of the country.

Mr. *Croker* agreed, that the member for Shrewsbury, who had presented the accounts even had since the year 1794 into the office in the part, he could bear no testimony, not only to the delay, but also to the celerity of the management of the board. He thought that, for the sake, a greater degree of vigilance had been shown to the management, consistent with strict law.

The *Attorney General* said, that the petitioner did not arrive from India in the year 1807; neither was it of his own accounts were the first time.

Mr. *Hume* thought that the specimen of the manner in which the public accounts were paid was a fair one.

Mr. *Denman* was asked, whether he had been said by the Crown did not satisfy the delay that had a right to an action. He would then move that the petition be laid on the table, and printed.

The *Petition* was then read forth,

That the petitioner was contractor and agent for victualling his majesty's station in the East Indies for a period of nearly twelve years, namely, from September 1794 to March 1806, during which time the petitioner disbursed public monies to the amount of 1,500,000*l.*, and upwards; that during the whole of the said period, the petitioner kept his accounts with the utmost regularity, and transmitted quarterly statements thereof, accompanied by vouchers and letters explanatory of the same to the victualling board in London; that so great was the negligence of the said victualling board with respect to their accounts, that although the petitioner sent to them forty-nine packets, and one hundred and twenty-four letters, he received only one letter from them; and the said victualling board made no other acknowledgment, save as aforesaid, either to the petitioner or to his agent in London, to whom the petitioner referred the said victualling board for any explanation that might be wanting in respect of his said accounts; that the said agent of the petitioner having repeatedly requested the said victualling board to enter into the examination of the petitioner's said accounts, at length informed the petitioner, by a letter dated 5th September, 1805, that the said victualling board had only then begun to examine his account for the year 1794; and the petitioner, conceiving that his presence might materially assist in such examination, did, immediately upon the receipt of the said letter, write to the said victualling board, requesting them to apply to the lords commissioners of the admiralty, to permit the petitioner to return to England, with a view of facilitating a final settlement of his accounts, and also to appoint agents to act for him during his absence from India; that in the correspondence which took place upon the occasion, between the victualling board, and the lords of the admiralty, previous to the petitioner's arrival in England, the said victualling board acknowledged the regularity with which the petitioner had transmitted his accounts, and also that they had received from the petitioner a regular series of vouchers in support of his charges; that while the petitioner was making arrangements with Messrs. Balfour and Baker, the gentlemen who were to act for him during his absence, he received a letter from the said victualling board, calling upon him to

furnish them with vouchers he had transactions with the said board; that no acquisition was made of delay, and to prepare his accounts; for which he was afterwards discovered, and vouchers sent to the victualling board, of which eighty-one were received by the petitioner; that upon receiving the said request, he resolved to resign, and to lose no time in preparing his accounts, and having obtained leave from Edward Pellew, then commanding the ship to leave India, and Messrs. Balfour and Baker, who were in the contract, in the month of his agents, set sail; that he arrived in the month of between the years 1806 and 1807; that the petitioner used every means to have the said victualling board attend to the investigation of his accounts; that he attended at the said board, and furnished the depositions of every paper and document which might throw any light upon the matter, or expedite the examination; that he further proposed to the said board, that if the assistance of two or three gentlemen were taken to go through, and to settle, of his accounts in a short time, the repeated and vexatious delay of the said victualling board in settling the petitioner's accounts, should be terminated; that in March, 1809, at length the said board, by the commission of the said lords, store accounts, and the beginning of the greater part of the year 1809, proved, and closed, of April, 1811, the said board sent the petitioner his accounts, which were in seven different statements; that on the 31st July following, the petitioner, stating their final balances to be 0*s.* 1*d.*; that they gave him a month to pay it, and to institute legal proceedings, and thus give him a final decision; that the petitioner, in great difficulty, obtained a decree to satisfy the said victualling board, which was not accounted for, 5,806*l.* 16*s.* 9*d.*, pa



lance of 9,129*l.* 0*s.* 1*d.*, which thus reduced the said sum to an alleged balance against him, amounting to 3,322*l.* 3*s.* 4*d.*; that the said victualling board did shortly afterwards, by a letter, dated the 6th of November, 1811, acknowledge the correctness of the petitioner's statement, by deducting from their alleged balance of 9,129*l.* 0*s.* 1*d.* the said sum of 5,806*l.* 16*s.* 9*d.*; and the said letter further informed the petitioner, that "if the said sum of 3,322*l.* 3*s.* 4*d.*, now the final balance against him, were not paid in five days from the date of their said letter, instructions would immediately be given to their solicitor, to proceed against him, as their patience was perfectly exhausted;" that the said victualling board did accordingly commence a prosecution in the Court of Exchequer against the petitioner, the said prosecution being for the recovery of two items, part of the said balance of 3,322*l.* 3*s.* 4*d.*, namely, one item on account of 1 per cent commission charged by the petitioner on certain disbursements, and amounting to the sum of 1,889*l.* 10*s.* 9½*d.*, and the other item on account of 1½*l.* per cent interest per annum (the legal interest in India) on money advanced by the petitioner to government, and amounting to the sum of 994*l.* 5*s.* 10½*d.*; and the petitioner submits, that the said victualling board acted with no less irregularity than injustice, in prosecuting him for a part only of a final balance, and holding over his head a second prosecution in respect of the remainder of that balance; that the said victualling board did, by every species of delay, procrastinate the said suit in the Exchequer for a period of four years, during which time the petitioner was harassed and exhausted in mind and body, besides being put to very considerable expense, as hereinafter-mentioned, and, at length, seeing no hope of the said prosecution being brought to a hearing and issue, the petitioner proposed to the said victualling board, to accept an annuity of 753*l.* 15*s.*, during the eleven years that his said agency had subsisted, in lieu of his claim to the said item of 1,889*l.* 10*s.* 9½*d.* and of a charge of 5 per cent commission upon certain purchases made by him; and with respect to the other item of 994*l.* 5*s.* 10½*d.*, the petitioner proposed to submit the same to the award of arbitrators, to be mutually chosen; that the said victualling board agreed to accept the proposal of

the petitioner, and was stated between petitioner's said c and the said sum had agreed to accept the balance upon it to amount to the in favour of the petitioner was afterwards paid the said victualling being prosecuted harassed and exhausted the petitioner actually sum of 902*l.* 11*s.* 3*d.* alling board, instead sum of 1,889*l.* 10*s.* 9½*d.* had been so unjust the other item of account of interest, which the petitioner cuted as aforesaid, the Court of Exchequer of December 1819 tion, although the were well aware that been allowed by the accounts of Mr. Hall naval agent at Mad advanced his own funds and under the like petitioner; that the of the principle upon had made the charge reduced the rate from cent, contrary to that from the Court of Exchequer fined them to the quarter interest should be allowed no notice of the rate the petitioner being settlement of his account this time (May 1818) open for a period of his return to England to the award: the petitioner ingly, on the 11th day the sum so declared the said sum amounted that the expenses to has been put, in default in the Exchequer, of 287*l.* 14*s.* 3*d.*, at the progress of amounted to the sum of 15*s.* 6*d.*, making, in 9*s.* 9*d.* besides other upon the said suit incident to the audit an amount not less petitioner submits that

said proceedings against him, the said victualling board had not a shadow of pretence; that the gross injustice of their proceedings has been manifested by their immediately consenting to reduce their arbitrary balance of 9,129*l.* 0*s.* 1*d.*, to 3,322*l.* 3*s.* 4*d.*; by their afterwards picking out two particular items, and prosecuting the petitioner upon them, and not upon the whole balance which they alleged was due from him; by their consenting not only to waive the claim which they made to the sum of 1,889*l.* 10*s.* 9*d.*, but actually to pay the petitioner the sum of 902*l.* 11*s.* 3*½d.*; by their submitting their remaining claim to arbitration, and thereupon paying the petitioner the sum of 853*l.* 11*s.* 6*d.* instead of being paid the sum of 994*l.* 3*s.* 10*½d.*; and, in fine, by their having paid to the petitioner the sum of 1,282*l.* 7*s.* upon the final close and settlement of his accounts, instead of receiving from him the sum of 3,322*l.* 3*s.* 4*d.* which they alleged to be due from him as aforesaid; and the petitioner begs further to state, that to bring the said victualling board to this settlement, he has been obliged to sacrifice claims to the extent of upwards of 5,000*l.* to which he considers he had a well-founded right, and which the petitioner is enabled to prove, the said victualling board having refused to pay to the petitioner the balance which, according to their own showing, was due to him, unless he relinquished those claims: the petitioner therefore humbly prays, That the House would direct an inquiry to be forthwith instituted into the conduct and proceedings of the said victualling board, and allow him to be heard, by his counsel and agents, in respect of the matters aforesaid; and that the House would be pleased further to institute an inquiry into the books, supported by public accountants, from Exchequer process and otherwise, in order to afford the petitioner such relief in the premises, as to the House may seem meet, and to prevent others from suffering the like injustice and damage as he has done.

October 10, 1952

[illegible]

## ***Irish Insurrection***

**Sir Henry Parne**  
as follows :\*—

Mr. Speaker ;—  
House will require  
tion of my conduc  
to adopt a different  
in respect to Ire  
the right hon. gent  
it to pursue. Beca  
time when it was th  
ber belonging to Ir  
and offer his opinio  
of the House, the  
of that country call  
and if I were to rec  
casation, feeling as I  
absolutely necessar  
what the right ho  
to do, I should be  
of a great neglect  
Parliament is high  
thing which may t  
disturbances, to c  
to conciliate the s  
of Ireland ; and, t  
of the motion be  
I shall submit to  
promoting discussi  
and be productive

Before, Sir, I grounds on which motion of the rig moving that a se pointed to inquire object of the distu land. I beg to say, lives may not be do not wish to o the B. I. for contin act. But when I support it because permanent effect preventing the re but because I belie to afford protectio parties of the loy disturbed districts dare, that in may have no intention reproach upon the Wesleyan: I feel: this disposition serve the country, i movement to the b the great and num of which is accomp acknowledge, that

• From the origi

**Dr. Pappadelli**

ring the short time he has been in Ireland, has brought forward several very valuable measures. The act for reforming the constables has proved of great utility, and promises to be completely successful. The revision of the magistracy is of great value, though the extent to which it has been carried is far short of what it ought to be, to make it a perfect measure. The bill for a composition of tithes I consider of the greatest importance; and a measure, that, in its amended state, will be easy to be carried into execution. But, above all, I think lord Wellesley is particularly entitled to praise for the efforts he has made to administer the laws impartially, and to check the violence of religious animosities.

But, Sir, it appears to me, that the present question is not one between parliament and lord Wellesley. It is his business to administer the laws such as he finds them; but we are now occupied in making a new law, and in legislating generally for the affairs of Ireland; and the question is, therefore, one between parliament and the government generally, and not fit to be confined within the narrow limits of a mere Irish question. It is, in fact, as much an English question as an Irish one. The dearest interests of Englishmen are included in it; and they are particularly concerned at this moment in taking care, that such a system of measures shall be adopted as are best calculated to establish tranquillity in Ireland.

I wish also, Sir, not to be considered as one of those, who make indiscriminate charges against his majesty's ministers, for having done nothing for the advantage of Ireland. So far from thinking that this is the case, I give them credit for having effected a complete change in the administration of government in Ireland. From the time of the king's visit to Ireland to the present moment I have seen but little to find fault with, that has been done in Ireland; and a great many beneficial measures have been passed, though not much taken notice of by the House. The acts, which have passed this session, for removing the duties upon the trade between England and Ireland, are measures of the greatest value. The act for consolidating the boards of revenue is of great value. As this measure goes to e from government the great patronage which has heretofore belonged

to it in Ireland, (inferior revenue (deserves to be co creditable to then lery bill is also a the anxiety of g abuses in Ireland.

In respect, Sir, now submit to the fact that the period of delay to the right hon. gentleman of objecting to the Bill. But I think, Sir, to forward a motion for the consideration of Ireland before any man had communicated what the plans of the Government should have been explained of for not giving time to mature the Bill. The right hon. gentleman, I appeal to the fact that this business that has been transacted here have afforded me an opportunity of bringing forward a case as this, it will be for the right hon. gentleman to state the state of the late period of the state of Ireland is worse; it is so bad in my mind to anticipate the necessity, and to excite the Government; therefore, if an inquiry is made whole summer, the Government will not refuse to do it, and not refusing to the common sense of the session would close in July.

We now see, that to be done by govern the Insurrection act experiment of havin year has completely disturbances are gre ment is to separate v spect of an improve Ireland, than what t constitutional, and offers.

When, Sir, I exan  
Ireland is this year,  
what it was when  
was passed last yea  
has become infinitely  
danger is much more f  
there was some reaso  
this law might have  
temporary restoration  
now, after we have  
of its powers, and o)

assistance which is made to it, no one can venture to say, that it will operate as a remedy of the disturbances. It is under these circumstances, so new and so formidable, that I feel it my duty to call upon the House not to separate, until it is in full possession of the actual state of Ireland. It is impossible to collect the necessary information from speeches in this House, or from despatches, and other documents. Nothing but a committee, exercising unlimited powers of inquiry, can effectually expose, in all their proper bearings, the nature, extent, and object, of the existing disturbances,

I might, Sir, I conceive, let my motion rest upon this general statement, as affording a sufficient parliamentary ground to justify me in calling upon the House to adopt it; but I consider the necessity of instituting an inquiry so urgent, that I feel myself called upon to set forth, in detail, every thing which can contribute to secure the concurrence of the House to the request I make, not longer to postpone this inquiry. I shall begin, by showing the extent of the disturbances, as they existed in the past and present year; and, in order to do this, I shall refer, in the first place, to the despatches of lord Wellesley. In the despatches of the 3d and 11th of January, 1822, lord Wellesley states, that disturbances have occurred in no less than sixteen counties, which he mentions by name, in the provinces of Leinster and Munster. He says, that in the province of Connaught the great body of the people have been sworn. And, in a dispatch of the 1st May, 1822, lord Wellesley says, "In Ulster strong indications have been generally manifested of resistance to the process of the law."

In the next place, I refer to the right hon. gentleman (Mr. Goulburn), who, on the 22d of April, 1822, in speaking upon the state of Ireland, said, "the disturbances which then prevailed were such as had not been known for a considerable time past; such as had ultimately broken out into open insurrection against the government. He could not better describe the state of the south of Ireland, than by stating, that there was no county in which the police was sufficient to protect the peaceable." And, on the 8th of July, 1822, the right hon. gentleman further said, "A general system of insubordination prevailed throughout Ireland: a general combination, conducted by secret

associations, collecting proselytes, with a view to the extension of their power throughout the country."

From these documents I shall ascertain to what disturbances existed in Ireland, and what was the character of them. But it is evident that these disturbances were nearly the whole of a distinct secret combination, by the Ribbon-men, and in six other counties. The general object in view was more skilful and determined than that of the attorney-general of Ireland, on the trial of Michael, on the 4th of November, 1822, the following description:—"For some considerably more than ten years, a plan has been in progress for associating the people, by unlawful means, against the established government, by which it is a purpose, is one of a nature, and evincing a contrivance. The plan is ready extended into five or six counties" (five or six mentioned, in a letter from the attorney-general to lord Wellington, 26, 1822), "and is the whole kingdom connected with the plan for some time disorganised. The object is rather the hatching of a conspiracy, brought into future, to condemn the disturbances, and regret their progress. Their design is to create a state of danger and difficulty, by a vigorous and united effort, to shake the whole of the civil polity to its centre."

The attorney-general's description of this conspiracy in its course was, first to collect the number of men, not limited, but several or forty: each of them bound, by an oath, to conform to its rules, to divulge its secrets, to obey his superior: each a master, who was

in the baronial\* committees: from these baronial committees delegates were appointed to represent the counties: and from these, delegates to attend provincial meetings: and from these, again, delegates to attend national meetings, thus finally composing a general association, affecting to represent the entire community."

The House will not fail to remark, how formidable an association this must be, that has been going on for two or three years in five or six counties, having the city of Dublin for its focus, and governed in the way that has been described. If reports are to be credited, this association is not confined to five or six counties, but is spread over the whole of the province of Ulster, and over a great many of the midland counties; and, although no persons have as yet been discovered to belong to it of consequence or consideration, where there exists so much skill and method in contriving it, and so much natural talent among the people for conducting the operations of such an association, it appears to me to be much more formidable than those other associations, that are less organized, and more forward in committing open acts of outrage and disturbance.

The references I have made show the extent of the disturbances in 1822; I will now submit to the House what is their present character. Lord Wellesley, in a dispatch of the 29th Jan. 1823, expressed an opinion, that the country had become more tranquil; but, in another dispatch, dated the 8th of April, he says, "Subsequent events have disappointed that expectation; and, during the month of March, the system of outrage and terror has been pursued, in the parts of the province of Munster, with increasing activity and vigour, and has reached other parts of the country. In less agitated counties of Ireland, crimes of an insurrectionary character appear to be more frequent."

The right hon. gentleman (Mr. Goulburn), when he moved for leave to bring in the bill for continuing the Insurrection Act, said, "There existed an emergency so alarming, as not to admit of time to inquire into it." In corroboration of this description of the state of the country, as given by lord Wellesley and the right

hon. gentleman, to come from Ireland, disturbances are extending over the whole country is the apprehension of so much evil befalling it. All men are alarmed, the Irish represent these accounts.

If, Sir, these disturbances, as described, had continued last year, for they would be much more numerous, they must appear to me that they will take the trouble to look closely they resemble the object, the series of events we have for some years past, because this similar indisputably prove that the seated evil must be much national discontent and insurrection. The looking into the details, that the existence only be considered, which in succession different parts of Ireland.

In the year 1820, a member for the county of Dublin (Mr. Daly), proposed to submit to it, founded on the disturbances existing in the county of Roscommon. He said, "of the south and west of Ireland, the following words:—'In the period, when the state of the country is a more prompt and decided action on the part of government, when the disturbances and the outrages of a more dangerous character.'" This is corroborated by the friends, the member for the county of Clare and Derry. The disturbances commenced in the autumn of 1820, and have continued ever since, with a short interval in 1821, when an insurrection act was passed in consequence of disturbances in the county of Lowth, Tipperary, &c. In 1816, the dispatches were laid before the House, showing the existence of disturbances in the county of Lowth to 1816. Lord Wellesley's special commission in 1811, in consequence

\* A Barony in Ireland is similar to a hundred in England.



committed in the counties of Tipperary, Waterford, Kilkenny, and Limerick, by bodies of men, who assembled in arms by night, administered unlawful oaths, prescribed laws respecting the payment of rents and tithes, and plundered several houses of arms. In the early part of 1813, and during the whole of that year, many daring offences were committed against the public peace in these and other counties, particularly in Waterford, Westmeath, Roscommon, and the King's county, the nature of which sufficiently proved, that illegal combinations, and the same systematic violence and disorder, against which the special commission of 1811 had been directed, still existed. In consequence of the continuance and increase of disturbances, in March 1814, the Insurrection act was introduced." In 1815, according to these dispatches, application was made by the magistrates to have the Insurrection act enforced in the counties of Clare, Meath, and Limerick. In 1816, it was enforced in Lowth; and it appears, that during 1814, 1815, and 1816, disturbances had existed in the Queen's county, and county of Longford. The House will observe, that the description given by lord Whitworth of the disturbances in these years shows, that they were exactly similar in all respects to the disturbances which now exist. Secret oaths, obtaining arms, prescribing laws, are the characteristics of the present disturbances, as they were of those described by lord Whitworth.

In 1807, the Insurrection act was revived, and continued till 1810. In 1803, the conspiracy of Emmet occurred; and although it was instantly suppressed, there is no doubt that it was one embracing several counties, and that if the first effort had been successful, a general insurrection would have been the immediate consequence. A great number of country people had come into Dublin immediately previous to the explosion of the plot, and lord Redesdale, then Chancellor of Ireland, has stated, that several counties were ready to have embarked in it.

In 1801, a secret committee was appointed to inquire into the state of Ireland, and they say in their report, "The conspiracy of 1798 is not then subsided. It appears to be in agitation, suddenly, by means of secret confederacy, to call numerous meetings, in different parts of the country, at the same day and hour, to an extent, which, if not prevented, must

materially endanger And in a second re describe the counties ford, Tipperary, and particularly disturb the reports of both Parliament, in the year 1793, that the count state of disturbance,

From the statement submitted to the House a great extent of Ireland time, since the Union open disturbance. primary, which is taken into account, will accurately state the important fact:—

*Counties in which Disturbances*

- 1801. Wicklow, Wexford.
- 1806. Mayo, Sligo, Londonderry.
- 1811. Tipperary, Waterford.
- 1813. Waterford, Wicklow, King's county.
- 1814. Queen's county, Waterford, in addition to the counties mentioned above.
- 1816. County of Longford.
- 1819. Galway, Roscommon, Westmeath.
- 1822. Sixteen counties in which disturbances have taken place since the Ribbon-men were organized.

Another way of describing the extent of disturbance in Ireland, according to the Statute Book, is as follows:

- That the Insurrection act was in force from 1796 to 1800.
- That Martial Law was in force from 1800 to 1805 . . . . .
- That the Insurrection act was in force from 1807 to 1810 . . . . .
- That the Insurrection act was in force from 1814 to 1818 . . . . .
- That the Insurrection act was in force from 1822 to 1823 . . . . .

Out of a period of 27 years, the Insurrection act was in force for . . . . .

But in addition to the Insurrection act, a law of a similar uncharacteristic nature has been passed within the last few years, the Habeas Corpus act of 1797 to 1802: again in 1822. This law, by giving domiciliary visits, and the use of arms, was in

1801, and has been in force from 1807 to the present time, and now forms part of the standing law of the country. The Peace-preservation act, by which a regular gendarmerie was appointed, has been in force from 1814 to the present time. Taking together the periods of disturbances, as before mentioned, with the periods for which the Martial Law and insurrection Acts have been in force, we obtain the following table of actually existing disturbances in Ireland:—

Period.	Years.
1. From 1792 to 1802 .....	10
2. 1803 1805 .....	2
3. 1807 1810 .....	3
4. 1811 1818 .....	7
5. 1819 1823 .....	4
	—
	26
	—

That is, out of a period of the last thirty-one years, no less than twenty-six years have been years of actual insurrection or disturbance. The following conclusions may be drawn from this case of Ireland, as to the means taken for suppressing disturbances. First, That as often as any disturbance has appeared, since 1795, it has been immediately followed by some new law of a severe and coercive character. Secondly, That a regular system has thus grown up, and been constantly acted upon, of dealing with discontent and disturbance with severe and coercive measures. Thirdly, That this system has completely failed; for, in place of discontent and disturbance being diminished, great as they were in 1795, they are still greater at the present moment.

The only years of any thing like tranquillity since 1792, have been from 1802 to 1803; from 1805 to 1806; from 1810 to 1811; and from 1818 to 1819. Four years out of thirty-one! The government of Ireland, to use the language of a celebrated constitutional writer, referring to another government, has been but a continued scuffle between the magistrate and the multitude. And is this, Sir, I ask, the system of government the British parliament will passively submit to? Can it go on with impunity? Can it last for another thirty years; another twenty; ten; five; or one other year.

Let us examine what must be the consequences of persevering in this system. What is the present evil against which we have to contend? In the first place, in three provinces of Ireland, nearly every county habitually occupied with disturb-

ances; and in the public peace contests of Orange. Secondly, almost the whole male population, 1,500,000 years, regularly educated. Thirdly, the disturbances of insurrection extend over the whole. Fourthly, the population is so large as to do more than double the work of the government to put down by force, a complete

This, Sir, I understand to be a correct summary of the circumstances of Ireland, and the systematic confederacy for redress for the grievances under: and it is in a state of things which the government proposes for to continue the Insurrection. The people of Ireland are increasing, both in number and in rebellion, it will be a question, how England can control them, and between the two millions of discontented and twelve millions, with effect in their ten years they are every day the violences of a make the system more general and power will grow up in land of such magnitude as to cope with the power of England in a long time to a new land.

With a view, Sir, to a like a correct judgment of the object of these disturbances, the evidence we have contained in authentic is by being fully object, that we can cause, and best and proper remedies. In 1798: we all know, a conspiracy of that session of the court the secret committee that the conspiracy abandoned; and then to rise suddenly, ment. In the the a

tering unlawful oaths, and of collecting arms by plunder, was carried on in several counties. In 1811, the same system was renewed and continued for six years. In 1819, it was again renewed, and has continued to the present time. In 1822, we learn from the attorney-general of Ireland, that the conspiracy of the Ribbon-men hopes, by a vigorous and united effort, to be able to subvert the present laws and government. These circumstances place beyond all doubt the principles, the motives, and the objects of the disaffected. In 1798, 1801, 1803, and 1822, we have direct evidence of the intention of the disaffected to rise suddenly, and seize on the country. In 1806, 1811, and 1819, we have direct evidence of associations existing for years together, acting on such a scheme of confederacy by secret oaths, and of preparation by obtaining arms, that cannot be accounted for in any other way, but by supposing them the first steps towards a general rising of the people.

Now, Sir, I say, with so much evidence before us of the intention of the disaffected, and with the knowledge we possess of the great extent of preparation which exists, and of the facility with which the lower orders may be collected together, it is nothing short of exposing the lives and property of all the loyal and peaceable people to sudden destruction, if we close the session without a full inquiry into the state of Ireland, and without taking all those measures of precaution and remedy, which the actual circumstances of the case may appear to require.

I have now, Sir, submitted to the House what appear to me to be sufficient parliamentary grounds to support my motion for appointing a secret committee. I have proposed a secret committee, in order to place the business of inquiry under a reasonable control on the part of government; and I have limited the instructions to inquire into the extent and object of the disturbances, in order to remove all objections, that might arise from calling upon a committee at this period of the session, to inquire into a matter so much controverted as the causes of the disturbances. An accurate knowledge of the objects of the disturbances will best lead to a correct judgment upon the causes of them, and, therefore, the proposed inquiry will in this way be indirectly an inquiry into these causes.

### *Irish Insurrection*

But, although I reasons, led to frame be sorry to see the evening limited in think it is of essence the causes of the disturbances fully discussed. As as yet, taken place, been formed concerning disturbances, but little done; on the contrary, think, that a great deal the result of person very erroneous views of the stances of Ireland, as to form opinions upon disorders, which are and in the way of a the most effectual request, in point of superficially considering principles which govern the proper objects have been too general.

The noble lord, his majesty's government occasion when the been under discussion expressed his opinion of the disturbances ing to the noble lord highest respect for tical conduct, and sincerely desirous of tion of Ireland; but the experience I have and of the circumstances nothing can be more doctrines of lord the causes of the remedies that are them. The noble truly, that it was the evil being mistaken remedy had not yet when the noble lord is, in his opinion, that he shows, that he in the most remote of the people, or the longing to the disturbances always be taken in endeavouring to ascertain of them.

The noble lord lay "that all the insurrections with the exception of been directed again against the government. This position has been

sisted upon by the noble lord, and so little has been said to controvert it, that it has become indispensably necessary to examine it, in order to prevent the injurious consequences which may flow from it. The first great mistake on which this opinion is founded consists in the assumption, that the lower orders of the people of Ireland have no kind of interest in the state of the penal laws under which they live; that they do not concern themselves at all with politics; that they are only influenced by the consideration of matters of property—tithes, rent, and taxes. Now, Sir, I can assure the House, that nothing is more unfounded than this assumption. Feeling the importance of ascertaining, by every means in my power, what the real state of the case is, I have for several years made it my business to obtain information upon it. I have conversed with and examined a great many individuals of the lower orders: I have consulted their bishops and their clergy: I have obtained the opinions of the best informed Catholics in every profession; and I have myself had the advantage of witnessing the fullest expression of popular feelings on two severely-contested elections, in which the whole population took a most lively interest; and the opinion that I have formed, as the result of all my experience, is, that the whole mind of the people is occupied with politics; that they thoroughly comprehend every law and every measure of government which relates to them; that they have a very accurate knowledge of all the privations to which they are exposed; and that they not only know, that they live as a class placed in a condition of inferiority in respect to a small party in the country, but that they practically feel inconvenience from this condition of inferiority. I believe, therefore, that the disturbances are altogether political; that although many local provocations immediately produce the first overt acts, the principle which serves to give them continuance, extension, and power, is a political principle.

The noble lord has endeavoured to illustrate his position by referring to the feelings expressed towards his majesty on his visit to Ireland. But really nothing can be more unfortunate than this illustration: for the whole spirit of the expression of those feelings consisted in this, that it was universally believed, that the king came to Ireland to give relief to the

people from the  
of a local Irish  
the interests of th  
those of an exclu  
The people said,  
king of their own-  
way in which the  
between the king  
people know the k  
their friend; and  
into the south of I  
stantly abandon  
practices; but not  
tices were wholly  
because they wou  
change in the law  
of government, as  
of his majesty's be  
quainted with their

Another way of  
turbances are of a  
by referring to the  
before the House,  
jects of the disturb  
the disturbance in  
committee to be, a  
seizing of the posse  
The object of Emr  
to put down the g  
ject of the Ribbon-  
in respect to the dis  
existed in regular  
sistent with commo  
that they are solely  
perty, when they an  
nistering secret oath  
of arming the whole

But a circumstance  
that the pressure of  
is not the cause of t  
that they never we  
cording to the dispa  
worth, than in the y  
1813, when the mar  
produce were so l  
wages so great, th  
pressure whatever fr  
of the times, as con

The same noble  
“that the real que  
considered: and wl  
the interest of factio  
to grievances entire  
which actually cause  
evils as growing on  
government; to tr  
disent to the co  
at  
to  
of

rections are not against government; and thus, as I would say, to give a direction to grievances entirely different from that which actually caused them. Nothing can be more convenient to government than to have this doctrine believed in; for then they are wholly freed from all responsibility. They can say, we really have nothing to do with these disturbances, but to quell them as well as we can: it is with the landlords to remove the causes of them.

But upon this point, "who, or what party gives the wrong direction to grievances?" we possess a method of bringing it to a test; and that is, by referring to the opinion of persons of unquestionable authority in all matters of this kind. The authority to which I shall refer is that of Mr. Burke; and I think the House will, when they hear his opinion, admit, that nothing can be more applicable to the present case of Ireland than his words are, as contained in his "Thoughts on Popular Discontents." He says, "In all disputes between the people and their rulers, the presumption is at least upon a par in favour of the people."—"When popular discontents have been very prevalent, it may well be affirmed and supported, that there has been generally something found amiss in the constitution and in the conduct of government. The people have no interest in disorder. When they do wrong, it is from error, and not from crime; but with the governing part of the state it is far otherwise." Here is the opinion of Mr. Burke, and one more applicable to show the futility of the position of the noble lord, and to direct the House how to judge correctly upon the disturbances of Ireland, could not exist. The length of time for which popular discontents have been prevalent in Ireland shows, beyond all doubt, that they are not directed against property, but that there is something amiss in the constitution and in the conduct of government.

But, Sir, however unfounded the doctrine may be, that the insurrections are wholly against property, it is no doubt true, that there exist many appearances to make this doctrine seem to be correct; particularly with those who are not locally acquainted with Ireland, or who do not possess the means of unravelling circumstances of a very complicated and almost incomprehensible nature. It is quite true, that the first outrages of the insurgents

are uniformly direct of property, or the land and the commencement may almost always matter of rents or of managing these de in Ireland, there find provocations to excite the revenge of the people, their efforts very soon to the mere objects of dress, as connected and pressing grievances that begins on one end over the parish, then over the adjoining connection at last is the settled course of original provocation progress of the disturbance point to ascertain is spreads so rapidly embark in insurrection administering secret so much support as exposing the parties associating together to be ready to come upon, and to use every arms; the long success all managed on the open insurrections taken place against serve to place it something, as Mr. the government, seated discontent of the whole people.

But even if the that the disturbances of Ireland are wholly perty, what is the insurrection, which ciation of Ribbor distinct and unconturbances? This ing up for several of the people are plan of it is well a ment of the physis It is founded on the of 1798, and has t making a progress, be done to suppress will be formed in against the govern of fact, is a conspiracy formidable than the south of Ireland more particularly



of government and of parliament; but no one can show a single instance in which it is directed against rents, tithes, or taxes, or any description of property.

The great importance, Sir, of every thing that is said by the first minister of the country, in respect to the affairs of Ireland, makes it necessary for me to refer to the remedies which he proposes for its disorders. The noble lord says, "Amelioration is to be accomplished by education of the lower orders, by inculcating principles and encouraging habits of order and tranquillity." "All experience," his lordship says, "shows, that this was the best and only remedy." The *modus operandi*, which is to accompany this remedy, is what I really cannot comprehend. How is education to bring about this amelioration? The body, on which it is to be applied, consists of millions of people, highly educated already in all the mysteries and practices of insurrection; with their minds full of established hatreds and animosities; too old to go to school, and too hardened in long established habits to be influenced by good advice and admonition. Education, it is very true, cannot be too much cultivated and extended in Ireland; but its use will be through its influence on the rising generation, and limited to their improvement.

But the noble lord, in proposing education as a proper remedy, not only proposes what is impracticable as a remedy, as it relates to the actual participation in the existing disturbances, but advances a doctrine, that is not to be supported by any sound principle of government. Because all experience, and the authority of all the best writers on government, establish this maxim, that the manners of a people are always formed by the laws under which they live. To the laws, therefore, the noble lord should look for the sources of the existing manners of the people of Ireland; and to an alteration of these laws for that amelioration in the condition of that people, which he says is to be accomplished only by education.

An hon. member (Mr. John Smith), who on all occasions, when Ireland is the subject of debate, expresses such liberal and kind feelings for its welfare, mentioned Scotland, in the last debate on the Insurrection act, as illustrative of the effect of education in correcting the savage and insurrectionary manners of a people: but the hon. member is not historically accurate in connecting effects

with the  
Scot is  
relates, i  
end of t  
condition or  
lessness; but  
vices which  
traced, and  
the miscond  
of society v  
natural conse  
ment, and o  
made to subv  
by the most c  
the source of  
not education  
laws, as re  
religion of t  
of conciliation  
an end to the  
land, and laid  
of order and  
made the  
England so g  
tries. It is r  
cation has be  
Scotland; b  
measure of r  
every one m  
have done b

But again,  
be remembe  
that country  
ment of the  
clergy; and  
posed to for  
people of Ire  
means to the  
lic clergy.

Some statu  
say, that the  
Ireland was  
but this is a  
for an evil of  
case of the a  
misrepresen  
first place, i  
that the ab  
spect to her  
cause it is  
whether artic  
are purchase  
or purchased  
drafts for his  
suffers from  
assistance as  
ample as m  
great many  
are supplied  
respectable

It is not rich resident landlords that are wanting in Ireland, so much as making the middle classes satisfied with their situation, and inducing them to take that active part in society, which enables them so effectually to assist in the administration of the laws, and in preserving the habits of the people. There is, throughout Ireland, a very numerous and respectable middle order of people; but they are highly discontented with the laws, and neutral between the people and the government. In respect to the absentees, this may be farther observed, that, in the counties at present the most disturbed, there are more resident gentlemen than in any other part of Ireland. But, in proportion as the number of absentees is an evil, so is it of importance to establish tranquillity, as nothing contributes so much to make new absentees as these disturbances.

There is another description of statesmen, who say, that the only way of putting down disturbances in Ireland is by finding employment for the people. But these statesmen overlook all the great principles of political science, and of political economy, upon which the general employment of the people depend. There must exist funds for paying them; but how are these to be created? Not by private subscriptions, or grants of parliament: these are ridiculous inventions for finding employment for a population of seven millions. Funds for employing the people of Ireland depend upon her markets, the profits of capital, and the accumulation of capital. The process of acquiring them is necessarily slow. Nations rise only by degrees out of poverty, and struggle for many years before such a state of things arrives, as admits of a full employment of the whole people. England herself cannot find employment for her whole people. All we can do, in regard to Ireland is, to remove obstructions in the way of industry, of trade, and of the investment of English capital in Ireland. And the most direct way of doing this is, by composing discontents, reconciling the people to the government, and establishing security of persons and property in Ireland.

So much stress is laid upon these supposed causes of disturbances, by persons of name and authority, and so much injury is the result of erroneous theories concerning them, particularly when they govern the conduct of several members of

the cabinet, that it should be taken to expose them, and to get the public to form a correct judgment of the disorders. This is made by the author of these theories, is, a superficial view of Ireland, and build upon local and temporary facts, judge from the present disturbance, and current existing grievances, frequent outrage before the mind does not take into account the minds which join in any common cause, the casual or peculiar occasioned it. The consideration this is, probably put last year by a gentleman, the member for C. Grant), in his speech on the state of Ireland \* why local commotions in Ireland? The author of this case of nation, of the mind, of state, of wounded pride, a great mistake, the difficulty consists in the lower orders, because the lower orders con- siderances; whereas the point of fact, a nation; for in Ireland tries, it is by the only that the lower brought either to contented with the la-

I have dwelt, &c. the examination may be called the so generally set of disturbances in Ireland, convinced, that it never be rightly whole of them are

---

\* See Vol. vi, p. 1. Mr. Grant, having been secretary to the lord lieutenant three years, is in error to come forward as an authority on the causes of the disturbances. His speech contains a mistake, and should be read with care. The great difference of the chief secretary's minister is peculiarly

By serving to present something like a proper explanation of the sources of the evil, they do great harm, inasmuch as they prevent inquiry from being carried sufficiently far to be able to discover what are the true sources. Tithes, rents, want of education, absentees, unemployed poor, each and all of them no doubt serve to aggravate the evil; each is a great provocation, but they are not the causes of it. For let us suppose all to be done that can be done to afford relief in each particular case, can any one feel the smallest confidence, that an end would be put to the disturbances of Ireland? In point of intelligence and wealth, the country would certainly be greatly improved; but, unless the political condition of the people be changed, if they continue to think they are placed in a condition of political inferiority and exclusion, will not this increased intelligence and wealth make them still more formidable than they now are?

To arrive at the true source of the evil, and to understand what is likely to prove a proper remedy, more enlarged principles must be referred to, and the state of the Irish people must be examined according to those rules which the experience of what has occurred in all other countries has established as safe and sound rules for governing mankind. Among those persons who have taken a public part in the affairs of Ireland, there is a class who differ altogether from those to whom I have been alluding in the way of accounting for the disturbances in Ireland; but unfortunately, in my opinion, they have been but too little attended to. This class conceives the long-continued series of disturbances, resembling each other so entirely in character and execution, must necessarily be the offspring of some uniform, continual, and universal national feeling, originally excited, and afterwards established, by political events having one general influence upon it; and they look back to the history of Ireland for an explanation of those events, and for the cause of this national feeling.

This historical case may be stated in a very few words, without any risk of inaccuracy, or any possibility of refutation:—Beginning from the year 1600, we know, that the whole of that century was a century of war, bloodshed, and spoliation: during that century, nearly the whole landed property of the island changed masters by confiscation. The

VOL. IX.

entire area twelve million number, lost millions and in the course of the necessary consequence that the result leaving the towards England history, the great consequence of the existence that at the people of Ireland most fixed and discontented and, this has been done has taken place calculated to hatred?

Certainly, the first seventeen century the people contrary, a them. For, conquest of code of laws formed that which had Catholics of leges, of the serving population. And of government year 1778, tion, up to place in the hatred of England end of the century

But, Sir, code to keep towards England by the direct laws effected under which the generals The House, try, should conquest of complete, with the Irish with the present quest of Ireland years and battles were Limerick has a great portion James. The

4 F

to have held out longer; and, had they done so, they would have been relieved by large reinforcements from France, a French fleet having arrived in Dingle Bay three days after the capitulation. Had William failed in obtaining possession of Ireland just when he did, it is possible that he would never have surmounted the difficulties of establishing the Revolution; so that, in point of fact, the surrender and treaty of Limerick are very much connected with the success of that great measure.

I will now explain to the House the terms of this treaty. By the first article, "The Roman Catholics of this kingdom (Ireland) shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of Charles 2nd: and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such farther security in that particular as may preserve them from any disturbance on account of their religion." Now, Sir, in the reign of Charles 2nd, the Catholics sat in parliament, and could fill all the civil offices of the state; they were excluded only from corporations.

The ninth article of the treaty is to this effect: "The oath to be administered to such Roman Catholics as shall submit to their majesties' government, shall be the oath aforesaid, and no other;" namely, the oath of allegiance made in the first year of the reign of William and Mary.\* As the penal laws against the Catholics derive all their force, by requiring oaths and declarations which are wholly different from this oath of allegiance, namely, the oath of supremacy, and the declaration against transubstantiation. it is quite evident they were direct violations of the treaty. No one can doubt, that the object of the Irish generals, who proposed the conditions of the treaty, was, to secure the rights and privileges of the constitution: this was the consideration for which they surrendered Ireland to William and to England; and such would have been the necessary consequence of a fair fulfilment of it. But in place of this result, the penal laws excluded the Catholics

from the constitution the possession of the not only taking away had a right to have Protestants a superior every kind of arbitrary the penal laws with This is the basis or ment of Ireland was fiction. The same system has existed ever since established on the principle six millions of the rights and privileges guaranteed to them a king of England. not very probable, that which have befallen last 130 years, and would have been preserved with the Roman

I am very well construction which the treaty of Limerick construction given to its sons. A Mr. Broderick representative of the union Dr. Duigenan, publishes to endeavour was guaranteed to toleration of their gentlemen who were fully explained, read of Ireland the arguments Butler, Mr. Malleson Rice, at the bar of Commons, against they will see how writings are of 1 Duigenan.

That the Catholics complained of the principle of this treaty is proved made, with the assistance and able counsel, trying. Their endeavours the Irish parliament faith and decency, engagements undertaken been surrendered to publication of Mr. Burke has put an end to concerning the treaty impossible to refute he sets forth to prove In the Tracts on says, "It will now these laws could be to those of nature in another and almost

\* "I, A. B., sincerely and solemnly swear, that I will be faithful, and bear true allegiance to their majesties king William and queen Mary. So help me God."

they are yet unjust, as being contrary to positive compact, and the public faith most solemnly plighted. On the surrender of Limerick and some other Irish garrisons, in the war of the Revolution, the lords justices of Ireland, and the commander-in-chief of the king's forces, signed a capitulation with the Irish, which was afterwards ratified by the king himself, by *inspeximus* under the great seal of England. It contains some public articles relative to the whole body of the Roman Catholics in that kingdom, and some with regard to the security of the greater part of the inhabitants of five counties. What the latter were, or in what manner they were observed, is, at this day, of much less public concern. The former are two, the 1st and 9th: the 1st is of this tenour: 'The Roman Catholics of this kingdom (Ireland) shall enjoy such privileges, in the exercise of their religion, as are consistent with the laws of Ireland, or as they did enjoy in the reign of Charles the 2nd; and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such farther security in that particular, as may preserve them from any disturbance on account of their religion.' The 9th article is to this effect: 'The oath to be administered to such Roman Catholics as submit to their majesties' government shall be the oath aforesaid, and no other,' &c. viz. the oath of allegiance, made by an act of parliament in England, in the first year of their then majesties, as required by the second of the articles of Limerick." "Compare," says Mr. Burke, "this latter article with the penal laws, and judge whether they seem to be the public acts of the same power, and observe whether other oaths are tendered to them, and under what penalties. Compare the former with the same laws, from the beginning to the end, and judge whether Roman Catholics have been preserved, agreeably to the sense of the article, from any disturbance upon account of their religion: or rather, whether on that account there is a single right of nature, or benefit of society, which has not been either totally taken away, or considerably impaired."

"But," proceeds Mr. Burke, "it is said that the legislature was not bound by this article, as it has never been ratified in parliament. I do admit it never had that sanction, and that the parlia-

ment was unde these articles by But still I am at be less valid, constitution, by tion. They ce and his success article do this, so far as the Cr ing those acts (t lic faith was unqi continues Mr. E will warrant us i ther, and in affi cuted by the C of no preceding the whole body twenty times rec liament; becaus tution which has parliament their also left to the C peace, as a cons best consequence making war. If my lords Galway, who signed it, w they were subje But its own contr it, it is subject t pact of the king, is the compact c what monstrous c sult from a contra enemy has entered arisen in the natio circumstances ma been, that parliar was precisely the Ireland." Vol. ix,

With such an s Burke, I may with was a violation of by the enactment no one can doubt, have contributed discontent and ha had been establish seventeenth centur against the Catholi all the reigns prec and as no change the first act for gi is, therefore, corre had happened, up the discontent ar towards England.

I will now, Sir, the year 1778 to political occurren



accurate description disorders of Ireland; out his own facts to sion, he would have scription of the sou disorders as I now bitter animosity exi government, that had since the conquest father to son, and w pervaded the minds of —“ Up to that very “ the conduct which in the conquest of Ir to in that country a hatred of the existing

In addition to the  
able to refer to the C  
for they say, in the  
upon to be present  
body to the king, “  
system of misrule is  
lity to the law, in  
great majority of the  
tility, this bitter an  
tent and hatred, w  
Ireland at the end  
century, which we  
popery laws, and w  
continued by bad  
coercive laws, and v  
very moment agains  
deep-seated disease  
all commotion and d  
we have now to att  
the evil we have to  
cure this, to put dow  
is my opinion, after l  
seeing and knowing  
events, and examin  
an opinion, which,  
borne out by the ac  
Ireland.

Then, Sir, I feel that none of those commonly proposed not any of them with the feelings of the estranged to the As to the Insurrection of that kind, they measures of force have moved discontent, have fast hold of the public, they have always made the evil take

To treat, therefore, properly, we must acknowledge, that the peace cause to be discredited.

to the English law and English connexion; we must consider it as beyond all dispute, that this discontent and hostility exist, to as great a degree as ever, at the present moment; and we must adopt those measures which have been so often successful in this country when similar disorders have prevailed. The history of England, fortunately, is not without precedents to point out the proper remedy in such a case. This country has often been rent asunder by internal commotion; but, as the refusal or withdrawing of some constitutional right has always been the cause, so the concession of the right has always proved a remedy. The case of Wales resembles that of Ireland in a very remarkable degree. It was not considered a part of the realm. It was governed by lords marches in a very arbitrary manner. The people were fierce and uncultivated, and in constant disorder. Severe laws were passed, but to no purpose; until, in the reign of Henry the eighth, the English constitution was given to Wales, and then all disorder ceased, and the country became tranquil and happy.\*

\* As in the course of the debate it was asserted, that the case of Wales did not apply to that of Ireland, the following extract from Mr. Burke's Speech on America will serve to refute this assertion. "I am sure," says Mr. Burke, "I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution;"—"and consulting at that oracle," he says, "I refer to the example of Wales." "This country," he proceeds to say, "was said to be reduced by Henry the third. It was said more truly to be so by Edward the first. But though then conquered it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion."—"Sir," Mr. Burke says, "during that state of things parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. When the Statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales. Here we rub our hands.—A fine body of precedents for the authority of parliament and the use of it! I admit it fully; and pray add likewise to these pre-

Now that ever hitherto been tried  
ance and to check  
tion in Ireland has  
disorders are incr  
most formidable, w  
change the system  
see whether the giv  
stitution would not  
effect that it had  
periment has never  
often promised, an  
abundant reasons f  
it. But, Sir, when  
that the proper rem  
of Ireland is the g  
tion, I am fully se  
disputable ground:  
who maintain, that  
English constitution  
curious, they date  
at the Revolution,  
Limerick was violat  
the popery laws.

Now, I have no h

cedents, that all the kingdom like an incubitable and oppressive  
cestors did, however, a to the ill husbandry of  
that the tyranny of a fi tyrannies, the least be  
made against a whole n effectual methods for  
Accordingly, in the 2 eighth, the course was  
a preamble, stating the of the crown of Engla  
all the rights and privile A political order was e  
power gave way to t were turned into counti  
should have a right to yet no share at all in th  
of these liberties, the g perty, seemed a thing  
eight years after, that the reign, a complete a  
representation by coun bestowed upon Wales, l  
From that moment, as l subsided; obedience  
order, and civilization liberty. When the ds  
constitution had arisen harmony within and wi

— "Simu  
Stella refuls  
Defuit saxis agitat  
Concidunt venti:  
Et minax (quod si  
Unda rem

in the most unqualified and positive manner, that Ireland does not enjoy the English constitution. Six-sevenths of the people are deprived of many of its most essential privileges, but particularly of that right which forms the fundamental security of English liberty—the right of representation. Nominally the constitution does exist in Ireland. The great bulwarks of English liberty are by law established there, but they exist only by name, except for the benefit of a few. There are juries, there are the Habeas Corpus act, the elective franchise, and representation by counties and boroughs: but let it be remembered under what exceptions and qualifications, and in what way the constitution is administered! No one can deny, that the administration of it may totally alter its character and its real efficacy. In point of fact, no one thing can be more unlike to another thing, than the constitution as it exists in Ireland is to the constitution as it exists in England. Those great principles of morals and public virtue, which direct in England the constitution in all its operations, are yet to be acquired in Ireland; and perhaps it may safely be said, that that party in Ireland, who have exclusively held the power of the state in their own hands, are distinguished beyond all other men by being little subject to the influence of these great and valuable moving principles.

But, Sir, the best tests in a question of this kind are the actual facts belonging to it. Take the Catholics of Ireland; do they really enjoy the practical benefits which all Englishmen enjoy under their constitution? How many rights are taken from them by law? What are the effects of those privations? Are they on a footing of equality with their fellow-countrymen? Do they not really live subject to the tyranny of a part of the people; that is, to the worst of all tyrannies—the tyranny of a free people?

The truth is, that being deprived of representation by persons of their own persuasion, they are deprived of the fundamental security of English liberty. They are in that state in which Wales was described to be; a nation having a right to English liberties, and yet no share in the fundamental security of those liberties—the grant of their own property. True it is, that Catholics may vote at elections, and send Protestant representatives to parliament; but this

sort of virtual representation is not sufficient. No Protestant can represent Catholics, in the spirit and meaning of English representation. There must be an actual identity and sympathy in all respects between the constituent and the representative; and the truth and importance of this intimate connection cannot be better illustrated than by the actual condition of the Catholics; for had Catholics been allowed to sit in parliament, would it have been possible to keep on the Statute book the numerous vexatious and grievous laws which still exist there? And could a small party of Irishmen have been allowed to exercise all the powers of government in the way they have done over six-sevenths of their countrymen? Mr. Burke illustrates the necessity of real representation by referring again to Wales, when speaking of America. He says, Wales, Chester, and Durham were surrounded by abundance of representation, that was actual and palpable. "But," he adds, "your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories, that are so near and comparatively so inconsiderable; how then can I think it sufficient for those which are infinitely greater and infinitely more remote?" Ireland, then, like Wales, Chester, and Durham, must possess the right of real representation, before, like them, she will properly possess the English constitution.

But, Sir, if what I have already advanced is not sufficient to establish the case, that Ireland does not possess the English constitution, and that the proper remedy for its disorders will be, the giving of the constitution to her, I shall be able, without the possibility of failure, to establish both these points by referring to what took place at the time of the Union. For I shall be able to show, that Mr. Pitt must have acted under the impression, that Ireland did not possess the constitution; and also, that his main object in carrying that measure was, to give to Ireland the constitution.

Mr. Pitt, in his speech of the 31st of January, 1799, says, of Ireland, "Whoever considers the state of Ireland, in the hostile division of its sects, in the animosities existing between ancient settlers and original inhabitants, in the unfortunate degree of want of civilization, which marks that country more than almost any

other country in Europe, must agree with me in thinking, that there is no cure, but in the formation of a general imperial legislature." And in his speech of April 21, 1800, he distinctly points out the method by which this imperial legislature will operate this cure. Mr. Pitt says, "We must look to this measure (the Union) as the only measure we can adopt, which can calm the dissensions, allay the animosities, and dissipate the jealousies, which have existed." "As a measure to give to Ireland a full participation of the constitution of England."

These sentiments Mr. Pitt embodied in a more official and authoritative manner in the various addresses of the Houses of Parliament at this time, and in the King's speeches. The following extract is taken from the joint address of both Houses of the British Parliament on carrying up to the Throne the resolutions, on which the Union act was founded, "We entertain a firm persuasion, that a complete and entire union between Great Britain and Ireland, founded on equal and liberal principles, on the similarity of laws, constitution, and government, by promoting the security, wealth, and commerce of the respective kingdoms, and by allaying the distractions which have unhappily prevailed in Ireland, must afford fresh means of opposing at all times an effectual resistance to the destructive projects of our foreign and domestic enemies, and must tend to confirm and augment the stability, power, and resources of the empire."

The following is extracted from the King's Speech, on proroguing parliament on the 29th of July, 1800, after the passing of the Union: "This great measure I shall ever consider as the happiest event of my reign, being persuaded, that nothing could so effectually contribute to extend to my Irish subjects the full participation of the blessings to be derived from the British constitution, and establish on the most sure foundation the strength, prosperity, and power, of the whole empire."

Here, Sir, we have the Union declared by Mr. Pitt to be a measure to give to Ireland a full participation of the constitution of England, proposed by both Houses of Parliament, as a measure to secure to In a similarity of laws, constitution, and government, and acknowledge the King as of paramount importance. It will contribute to

extend to his Irish participation of the blessing from the British constitution after a faithful declaration existing in Ireland minister of England only remedy of the land the laws, constitution, of England. plan were adopted of the legislature; present state of Ireland same as it was in divisions of its territory existing between original inhabitants, in degree of want of civ that country, and never yet has been; should we not now of giving to Ireland a constitution, and the government.

It is now twenty years since the Union passed, and what has been done towards Ireland the English Union did no more Irish parliament. The five government, the justice were left on the whole case is calm any one doubt, that Union to effect any end to internal the neglect of parliamenting up the Union which Mr. Pitt intended consequential to it? that Mr. Pitt intended of union to accomplish had in view. The King describes the Union will contribute to the constitution. It looks for producing any good Pitt himself, in explanation of his resignation declares, that Catholic necessary to complete resigned because he as a measure of government.

In speaking upon this particularly concerning it is of vast importance the policy which Mr. first minister of the Crown gave to Ireland the Catholics into the elective magistracy, to furnish number of civil offices

lord Fitzwilliam to Ireland to open parliament to the Catholics; a bill was brought in, with only three dissentient voices, before the high Protestant party prevailed, and obtained the recall of lord Fitzwilliam. In 1799, he proposed the Union: to give to Ireland, on equal and liberal principles, the constitution of England: and, in 1801, he resigned his office, because he met with circumstances which rendered it impossible for him to propose full concessions to the Catholics as a measure of government. Mr. Pitt's policy is thus proved to have been a continual effort to conciliate the Catholics, by giving to them all the rights and privileges of the constitution. He, therefore, it is evident, must have considered the disturbances of Ireland as of a political character, having something wrong in the laws for their source. And yet we now see those ministers, who profess to act upon his principles, attempting to persuade parliament, that there exists no connection between the disturbances and the government of Ireland: that the exclusion of six-sevenths of the people from the constitution has nothing to say to the disturbances: that it is a contest between poverty on one side, and property on the other, and that time alone can effect a cure of the evils which belong to society in Ireland.

But what occurred at the time of the Union is not only of importance because it so fully explains what were the intentions of Mr. Pitt and of the British legislature in passing it, but also because it held out certain conditions, and was accompanied with certain arguments to induce the people of Ireland to adopt it. The people of Ireland were in possession of an independent legislature, and they were not disposed to value it lightly, or to surrender it without valuable considerations. They examined the condition of their country, and yielded themselves up to the arguments and proposals of Mr. Pitt; and, believing that the possession of the English constitution would remedy their divisions and animosities, and civilize and enrich the people, they allowed him to succeed in forming an imperial legislature.

The Protestants, generally, opposed the measure, but the Catholics as generally supported it; and, had it not been for their support, it is now universally admitted, that the measure could not have been carried. They were the party to

whom the possession of the constitution was every thing, in place of an Irish parliament; and they are now that portion of the people who have the strongest claim upon the imperial parliament to fulfil the conditions of the Union.\*

I have now, Sir, endeavoured to show, to what a great extent disturbances actually exist in Ireland. I have traced their connexion with the successive disturbances that from time to time have broken out since 1792: and I have proved, that the administering of oaths requiring secrecy, and requiring the party to be ready to join when called upon, and the obtaining of arms, have been common to all the disturbances. In respect to the causes of the disturbances, I trust I have completely succeeded in showing how great an error it is, to suppose that they arise from a struggle between poverty and property, and those minor matters which are so frequently set forth as sufficient causes to account for them. In the various remedies which have been offered, I cannot bring myself to place any confidence; for though education may do a great deal to improve the habits of the growing generation; though the residence of landlords is most desirable, and would prove very useful; and though the employing of the people would be most satisfactory, these things would only tend to mitigate the tendency to disorder, and to make the periods between open disturbances somewhat longer, but they would not cure the evil, and establish permanent tranquillity.

Nothing but the remedy which is sanctioned by the names of Mr. Burke and Mr. Pitt, and all other statesmen who

---

\* The following extract, from a speech of lord Grenville in the House of Lords in 1816, was omitted to be referred to, and is now added, to show the light in which he, one of the leading promoters of the Union, considered it to be offered to Ireland.

"Every part of the soil of Ireland, every person inhabiting that soil, were justified in seeking redress, not soliciting it at their hands, but demanding it as a right. Why did they unite with Ireland, unless they meant to give her a Union in the advantages and participation in the constitution of this country, as well as in the name? When they consented to the Union, they were bound, in the sight of God and man, to provide for the happiness of that country; and, unless they faithfully discharged that duty, they usurped a power over it they had no right to exercise."—*Parliamentary Debates*, 1816.



have held the highest station in this country; which is supported by the precedents of Scotland and of Wales, namely, the giving to Ireland the laws, constitution, and government of England, will prove effectual. If this remedy were applied, and if the people of Ireland actually felt the same protection and advantages from the constitution that the people of England derive from it, they would respect it, and support it with equal interest and attachment. They are by no means insensible to kind treatment; and there can exist no reason for supposing, that there is any thing so different and perverse in their nature, as to prevent the enjoyment of the constitution from producing all the same effects in Ireland as it produces in England.

I have, Sir, under the peculiarly alarming circumstances in which Ireland is now placed, felt it to be my duty not to suffer the session to close, without endeavouring to induce the House to make that inquiry which seems to me to be absolutely necessary. If I had not done so, and if any great calamity should take place, the House would be fully justified in saying, Why did no Irish member give us warning of our danger? I have now relieved myself from this responsibility; and I conclude by saying, that I earnestly beg the House will recollect, that the concession of the constitution to the people of Ireland is not only right on principles of policy, but that, as British subjects, it belongs to them as their birthright; and that, by the treaty of Limerick, and the compact of the Union, it has been twice solemnly granted to them. I now, Sir, move, by way of amendment, "That a Committee of twenty-one Members be appointed, to inquire into the extent and object of the Disturbances existing in Ireland."

Mr. Grattan seconded the motion. The system of governing Ireland by force had, he said, been tried long enough to prove that it was of no effect. Every means having the character of coercion had been readily granted by parliament. Insurrection acts, the constabulary act, special commissions, sessions extraordinary, an addition of nine or ten thousand troops, and all had been found not to do. In two counties one half of the military force of Ireland had been busily occupied. The hopes held out of quelling the disturbances by this ~~get never~~ <sup>seen</sup>, nor ever would be, realized. It was not education that was

wanted, for that more sensible of the present state of the country. It was not that they had had the linen trade, a hundred and fifty years ago, and the orderly government of the English poor-laws, and a small tax on property, properly make a modification of the law, in a more judicious sense, was a necessity. The duties of the church should be in some means ought to force the observance of the Catholic clergy should be on a footing, which would prove highly useful to the religion, and conducive to the order. The commission of the hon. friend had more favourable opportunity in the mature a plan of course, it would be far more effectual than the ordinary terrors of the law.

Mr. Goulburn said, that the House would conclude that it was quite unnecessary for the hon. baronet, who followed him, to deliver a speech on the subject. Connected with that part of the employment, and as members of parliament, the interests of every body, it would have been a duty to have expressed their sentiments. It would be necessary for the hon. baronet to have moved the amendment, as to his own compulsion; for, without saying any thing like flattery, he was bound to say, that it had fallen from him that the serious attention of the hon. baronet had, at the close of his speech, stated, that the amendment, made, by way of amendment, of which, if carried, the second reading of the bill) was not intended to prevent the passing of the bill, but the purpose of affording

discussing the state of Ireland. The hon. baronet had fully admitted, that there existed in Ireland extensive and dangerous combinations against the public peace; and that such unfortunately was the prevalence of outrage in a considerable part of the South of Ireland, that the House would be justified, from the imperious necessity of the case, in passing this bill, without stopping to enter into an examination of the whole conduct of government. Indeed, it was impossible for any man, for a single moment, to contemplate the present situation of that country, without being convinced that there existed enough of difficulty and danger to require that the hands of government should be strengthened, for a limited period, with the powers which this bill gave. But the hon. baronet held another opinion, not reconcileable to this view of the subject—that, before the renewal of this act should be agreed to, it would be adviseable that parliament should enter into an inquiry of a more extended and general nature than any which had ever yet been undertaken. He wished the House to appoint a committee—not to inquire into facts and circumstances, for the purpose of convincing themselves that the emergency still existed in Ireland, which had before justified the passing this bill, for upon that point the hon. baronet had no doubt; but to go into a general inquiry, undefined as to its object and unlimited as to its extent. To such a proposition he could not agree. He must, therefore, persist in his motion for the second reading of the bill.

The hon. baronet said, he hoped that his motion would not be met with an assertion that it was brought forward at too late a period of the session to be productive of any good. The hon. baronet had very wisely deprecated that answer to his motion, because he felt its force and justice, it was in fact unanswerable. The House could not at that late period of the session, go with any prospect of advantage into such an inquiry as the hon. baronet had proposed. The House had been warned of the ill effects of refusing an inquiry into the state of Ireland. To which he would only say, that if the refusal to agree to this proposition should expose government or the parliament to misrepresentation—if they were to be told that they had refused to inquire, because their cause would not bear the light—if they were to be charged with legislating on the surface, without

venturing to fathom the ocean—he was ready to inconvenience of this—because he felt that it would expose the House of a different character. A factory answer could they were to go into matter of fact, merely port written by himself baronet, nothing could. Such a course might be but it would be quite practical results. But into a committee, with seriously to inquire in which the hon. baronet in his speech—to go into of Ireland—to consider which, at different adopted by the government, and the effects thereof and to inquire what connection of them had with the people in the south of Ireland consider at what time would be likely to clear whether it would be lives and property of able and loyal subjects protected, till such an be completed. The that upon such an inquiry was the duty of parliament whole summer. Now manifest to him, that tive of every good thing willingly sit there until at which parliament accustomed to re-ass looked around him, in the House—when he of the small number of Irish members—and many of them had gone going to Ireland, not from the fatigue of a but because their presence in that country—he himself, whether the formation of a wanting, and whether factory to any one to mittee, with the certainty even assemble a committee be deprived of the gentlemen who alone best information.

He had no hesitation the proposition laid

baronet, that, where government was placed in the painful situation of proposing measures of extraordinary severity, it was their duty to make out a strong case for the necessity of such measures. He would further say, that if, after a continued series of measures of this kind, the evil which they were intended to remedy continued unabated, it might be the duty of parliament, in such a case, not to be influenced by implicit confidence in government, but to take upon itself the task of instituting a more special inquiry into the subject. If he had not himself called upon parliament to go into such an examination, it did not arise from any wish to prevent investigation, or to withhold from parliament every necessary information. But he begged the House to consider the circumstances under which the present government of Ireland had been called upon to act. When they were first entrusted with the management of its affairs, they found outrages of a very serious nature prevailing throughout Ireland. These it was their duty to endeavour to put down without delay. There was, in fact, no time for deliberation or inquiry. When, at a subsequent period, it became necessary to propose the renewal of the Insurrection act, he did not move for the inquiry, because there was a difficulty in bringing such evidence as was necessary before the House. The only persons who could give full information to the House respecting the state of the disturbed districts were, the resident gentry, the magistrates, the military, those concerned in the local government, and the police. Now, he would ask any man to look at the state of that country at the period when this act was last proposed, and say, whether it would have been prudent in government to call over to this country, for the purpose of being examined by a committee, the persons whom he had enumerated? Although he had been prevented by circumstances from instituting an inquiry himself, yet, upon principle, he had no objection to an inquiry of this kind; nay, he thought good would result from it—for, with every attention that could be given by government to the subject—and the noble lord at the head of the government had incessantly laboured to obtain it—there was much information that could only be obtained through the medium of a committee. If, therefore, unfortunately these disturbances should

continue, and to propose a re-  
verity, he assumed  
precede that pre-  
the institution of  
from the Oppos-  
be clearly under-  
tain approbation  
sive statement;  
general inquiry  
hon. baronet; he  
embracing all the  
baronet had intro-  
but one directed  
evil, and limited  
try in which there  
wanted any pro-  
could ensue from  
other course, there  
would afford it.  
hon. baronet, there  
make concession  
was the main cause  
Ireland. Knowing  
House upon that  
had indeed abstained  
precise words, but  
tendency of his  
structure a committee  
was or was not pre-  
claims of the Royal  
in his opinion, to  
committee a duty which  
could only be performed  
itself.

But the hon. baronet  
himself to calling  
had entered into a  
into which he thought  
sult the convenience  
following the hon.  
baronet had fallen  
and very popular  
the evils which  
misconduct of govern-  
tion was, however  
with other parts  
own speech. The  
stated, and stated  
cause of the distre-  
dundant population  
baronet did not see  
that it was in the  
government of Ire-  
population, or that  
for its redundancy  
had also said, that  
to look for any great  
education. If the  
state, that it was

prevailing system of outrage, he concurred with him; but he would do well to recollect, that Ireland was afflicted by two kinds of evils—one of them was of a temporary nature, and immediate relief might be applied to it; but the other had grown up through a long period of time, and could only be cured by the adoption of measures, the progress of which must necessarily, from the nature of the disease, be slow in their operation. The encouragement of education, with a view to a perfect eradication of the disturbances which too often prevailed in Ireland, was a matter of very great moment. When ministers spoke of the probable effects of education, they did not mean to say that it would at once put an end to the outrage and devastation which prevailed in the counties of Limerick and Cork; but they did affirm, that by persevering in the introduction of a regular system of education, not merely that of learning the people to read and write, but teaching them the due observance of their moral duties—of those duties which they owed to God and man—and proving to them, that obedience to the law was a religious as well as a moral obligation, very great benefit would result from it. He spoke this with perfect confidence, because all history bore him out in the fact. If they proceeded in such a course, the time would undoubtedly arrive when it would have its due and proper effect; and when those individuals who were now blamed for hazarding an opinion, that education would be so eminently beneficial, would receive from posterity the reward which they merited. The hon. baronet had spoken of what he denominated the parallel cases of Scotland and Wales: and he had argued, that if similar measures were adopted with respect to Ireland, as had been used with reference to those parts of the empire, the same result would be produced. But he had studiously guarded himself against admitting that education had any effect in creating the change of manners to which he alluded. He had taken care to tell the House, that it was not education which had rendered mild and sociable, people who were naturally fierce and intractable. No; the hon. baronet contended, that it was the general concession to persons of different religious opinions which had wrought the alteration. To that doctrine, however plausible, he could not agree; because he viewed the influence of education as

having done a great deal in improving the manners.

The hon. baronet had touched upon various minor points, and he had quoted the breach of the capitulation of Limerick as a fruitful source of disturbance. It was not the first time that this subject had been brought forward; but he thought it manifest an inconsistency in the hon. baronet's argument at the present time, when he believed him, entirely, to be entering into the merits of the subject. It was argued, that the breach of the capitulation of Limerick, for the purpose of converting the Catholics to the Protestant religion, certainly benefited the country. The hon. baronet assented to the performance of the treaty, but he thought the capitulation had aggravated the disturbances in the land, since severe restrictions to which the Catholics were subjected were the property of the Catholics. He put down as a point not to be argued, that those penal laws which were the non-performance of the treaty in Limerick. But, the hon. baronet had done well to have said so, even if those penal laws were the consequence of the breach of the capitulation of Limerick, they had to operate. The time would arrive, since this country was now in a state of breach (if it were the breach of those very penal laws which he agreed with the hon. baronet), that hatred and animosity which he had derided, did not speak for itself, would have been well after such a series of concessions conferred by this country in consequence of the alleged breach of the capitulation of Limerick should be so tenacious.

He had intended to say more on the proposition of the hon. baronet, but he had felt it necessary to make some observations on different points. He thought it would be well to procure any satisfaction on this subject from the hon. baronet, in their power to examine the subject. He considered the appointment of a committee to be unnecessary, and he himself was ready, on such an occasion, if the state of Ireland required, to call the attention of the House to this subject. Having said so much, he thought gentlemen would

duty towards Ireland by concurring with him in the measure before the House, than by throwing those obstructions in his way to which the motion of the hon. baronet must necessarily give rise.

Colonel *Davies* supported the proposition for a committee. If it sat but for a week, nay, a single day, it would be of service, since it would show the people that parliament took some interest in the state of Ireland. The right hon. gentleman had taken the same course as his predecessors had done. He regretted the necessity which existed for proposing such coercive measures, and promised an inquiry at some future day. The same thing had been done by every chief secretary for the last twenty years. Still, nothing of a conciliatory nature was attempted. He held in his hand an address from the grand jury of Cork. Their cry was "force! force! force!" but not a word did they say about conciliation. Ireland was reduced to a most deplorable state through mis-government. He was convinced, that if the government of this country made the English peasantry suffer one half the misery which was inflicted on the people of Ireland, they would soon be converted from friends into bitter foes. The law was much more impartially administered in this country. In Ireland, the law was often made the engine by which the rich man oppressed and bore down the poor one. With respect to Catholic Emancipation, he thought it should be conceded. That question had, sometimes, been brought on in a shape that did not please him, and that was undoubtedly contrary to the feelings of a large portion of the people of England. But, if it were shown, that it was intended merely to restore the Catholics to their civil rights, without extending their political influence, he was sure the people of England had too great a regard for justice, to oppose such a proposition. While the present system continued, and this country remained at peace with the rest of Europe, there would be constant disturbances and rebellion in Ireland. And if, in furtherance of their despotic projects, the Holy Alliance thought proper to declare war against Great Britain, the first point of attack would be Ireland. Every effort ought, therefore, to be made, to conciliate the population of that country.

Mr. *J. Smith* would not make any apology for addressing the House on this occasion,

because it was the duty of English members, to address the House on Ireland. He had to do so, notwithstanding the opposition of the hon. secretary, and he would do so, on all former occasions, and on all future occasions, precisely the same. Many motions for a committee had been committed to the House, but no inquiry had been made. How stood the affairs of Ireland? What subjects presented themselves for inquiry? He would inquire into the subject of finance. What was the state of this country paying Ireland? Had it been explained to the House, that Ireland pay her own quota towards the war, to show the people that they were not taxing Ireland, but to show the extravagance. Again, he would inquire into the administration of justice in Ireland, and produce evidence that the law in Ireland were shown, and openly, violated. He would show little above the condition of the country, it in their power, to improve the administration of the law, and being arrested for a crime, every person who was arrested, claim "What is the law in this country? What is the government taking to remove the crime? would ask, why the government has not brought forward the abilities under which was the source of the crime in the land; and the government should not look for tranquility until the question was settled on the subject of education. He had heard the right hon. gentleman (Mr. Peel), when connected with the government, lay before the House of what he had done, and what he had to do, for the improvement of the country in that respect, which was the duty of the government. But, what had been accomplished? He believed that Ireland had derived no benefit from parliamentary grants; that had been done towards the Catholics, who were the population of the country, and the condition of the country was short, so that the government should not be in a position to do which a country should be in a position to do, that the House should be in a position to do with safety.



concurred in the present motion. No reliance could be placed upon the assurances of ministers with regard to Ireland; for, year after year, they had held out hopes that her grievances would be redressed. But government never could find a proper time for inquiring into the state of that country. He was convinced, however, that a change must soon take place in the conduct of the other side of the House towards Ireland, and that additional attention must be paid by gentlemen on his own side to Irish questions, or they would find themselves in the midst of difficulties and dangers.

Mr. Robertson considered, that much of the misery and discontent which was felt by the great body of the people of Ireland arose from the immense difference, in point of numbers, which existed between them and that portion of the population which was favoured by the state. It was not consistent with human nature, that six millions of people should sit down quietly under disqualifications, while 600,000 of their fellow-countrymen were admitted to the enjoyment of rights and privileges to which they conceived themselves to be equally entitled. They had reduced the Catholics to a state of slavery worse than the Helots of ancient times; and then they affected to wonder at their discontent. They had oppressed them, and spread dissension through every family in the kingdom, and yet they asked, why were not the people of Ireland peaceable and contented? Besides, in what way had they relaxed the odious penal code? Never but in periods of distress; when the enemy were on their coasts; when the French and Spanish navy rode triumphant in the Channel—an ominous occurrence which might recur in the present state of the world—and when the government were reluctantly compelled to arm that people in the defence of the kingdom, whom they had previously degraded and oppressed. It was fear, not policy, which influenced the conduct of the government. For Mr. Fitzgerald had shortly before in vain tried to introduce a bill into the Irish parliament to enable Catholics to hold 61 years' leases of real property, which an unfeeling government had rejected, although in the moment of danger which followed, they extended to them leases of 999 years. How were the people of any nation to be grateful, for such misgovernment, or for concessions so wrung from the hand of power? Again and again he

would say, that for no peace, without a liberal scale. would do. Nothing and perfect equality sure the tranquillity try. It was said, Ireland would be in the induction of capital to He was aware that He was aware that largely embarked in and unstable government expect to procure something like or reigned there? It was a vision of education was for Ireland. He was general education; mind the necessity whom they educate was fairly attended the effect of diffusing out Ireland in the degraded state of population? Why would instantly be galled them. Did could, in such an by the bayonet? Policy to be tried, and He did not mean at once break down litic and unjust centuries, it had them once avow that with all reasonable people would be had been laid upon sentees, and it was ple should look with who oppressed them their turn, should surrounded by another treatment would jarring. Let the testant be placed they were in Switzerland other states, and gave the community distinctions which among sects. It was legislation, that obliged protection for Catholics been provided. Let us begin, then, legislation more beneficial to this country to a suffering end to this source peeling all those ob had fed the flame.

the priests of the Catholics receive a stipend from the government. Let not all the tithes be paid to the clergy of 500,000 of this population. Let the Protestant pastor enter, as the Catholic priest did, into the miserable hut of the peasant, and then he could claim some share of the influence over his flock, now exclusively enjoyed by the latter. He concluded by entreating the English members to attend to this question, and by declaring his cordial support of the amendment.

Mr. *Hutchinson* said, he cordially concurred in every thing which had fallen from the hon. gentleman who had spoken last, and from his hon. friend who moved the amendment. The hon. gentleman who spoke last had truly described the sad tale of proscription, exclusion, and suffering, which the page of Irish history recorded. Concessions had been made, it was true; but always with a bad grace. It was only when the government were struck with terror and dismay, that they had relaxed the severe restrictions imposed upon the Catholics. Much as he deplored the condition of Ireland—ready as he was, though with pain and anguish, to extend the protection now sought for, to the resident gentry, surrounded as they were with conflagration and outrage—yet still, if the motion for a committee were pressed to a division, it should carry his vote, from his extreme anxiety to promote, in every possible manner, an inquiry into the distracted state of his unhappy country. The ministers said, it was too late in the session for inquiry. Did these ministers, who said so, receive, as every body else did, daily accounts of the dreadful situation of Ireland; and, if they did, were they justified in denying immediate inquiry. The condition of Ireland must be probed to the bottom. Things could not go on as they were, unless they were determined to precipitate the ruin of Ireland, and bring perdition upon the empire.

Mr. *Bankes* said, that every gentleman who had spoken during this debate had, however they differed upon other matters, concurred in the necessity of some measure like the present; except the hon. member for Grampound, who, like a northern metaphysician, had reasoned upon the question in a manner which would apply to any other subject, just as well as this. The disease of Ireland was an insurrection of those who had no property against those who had; and a deep-laid conspiracy of the majority of the religious

community of that minority. [Cries astonished that any deny that which was the attorney-general ever measures the and eventually call for, remedied without complication of this to practical good could pointment of a con period of the session]

Mr. *R. Martin* with his hon. friend had not at the commencement rather than at the present was of opinion, that motion for a committee act, he meant an extremely miscellaneous rebels would suppose who supported his approved of their ill believed in his conservative distribute equally between Catholics and Protestants. With respect to the rebellion, he would say, that by parliament, it was a rebel to lay down his arms; that, if the hon. members were sent to the rebels to induce them to lay down their arms, the Catholic inditement to lay down their arms would be of no avail.

Mr. *S. Rice* said, that for consenting to the committee act was, that the act would discourage the well-to-do. At the same time, the House was bound to consider the causes of the discontent in that country. His hon. friend had not moved the motion at an earlier period because it then would be liable to those objections at that time, which were not now. He conceived that the condition of Ireland originated in the condition in which the people were placed by the bad system of government which existed in that country. That any benefit would result from the relaxation of the severity of the laws was contrary, he believed, to the truth; and could only be obtained by a just administration of the law.

Mr. *Dennis Brown*

for the continuance of the Insurrection act. The struggle in the south of Ireland was neither more nor less than a struggle of pauperism against property.

Sir J. Newport thought the disturbances which at present agitated Ireland, were wholly owing to the system of government to which Ireland was subjected. That government had, for twenty-three years, gone on passing Insurrection act, after Insurrection act, instead of resorting to any measure of permanent relief. No measure of that kind could be obtained from them, either when the country was disturbed, or when it was not. It seemed as if there really was no period in which the case of Ireland could bear to be probed to the bottom. If the country was tranquil, then the reply was, "why will you disturb the country now?" If there happened, unfortunately, to be disturbances, then the answer was, that "the country was in such a state that nothing would do but an Insurrection act." He begged to repeat to the House, the words which Mr. Pitt had made use of, in April 1800, when speaking of the proposed Union. "We must," said he, "look to this as the only measure we can adopt which can calm the dissensions, allay the animosities, and dissipate the jealousies which have unfortunately existed; as a measure whose object is, to communicate to the sister kingdom the skill, the capital, and the industry, which have raised this country to such a pitch of opulence; to give her a full participation of the commerce and of the constitution of England."\* It was now three and twenty years since those words had been uttered by Mr. Pitt, and Ireland did not yet enjoy the advantages of the English constitution. He begged leave, also, to state to the House the opinion of a noble friend of his, which bore upon the present question. In 1816, lord Grenville, speaking upon a motion for inquiry, said, that "every person inhabiting the soil of Ireland is justified in seeking redress—not soliciting it at the hands of parliament, but demanding it as a right. Why did we unite with Ireland, unless we meant to give her a union in the advantages, a participation in the constitution of this country? When we consummated that union, we were bound in the sight of God and man, to provide for the happiness of Ireland, and unless we faithfully discharge our duty towards that country, we have

usurped a power right to exercise words of his noble friend when an inquiry was proposed. It was on the ground that the country was not so tranquil. A main cause that weighed so might be found in the confined the appointment and sub-sheriffs. There were parties named, in which ever been on a Catholic was to be heard the sheriff thank his God, in hundred years, on the trial of that jurisdiction. tempt by these down a spirit of utility; but every they would have gentlemen on the miseries which tailed upon Ireland with more propriety considerable portion of a transition from which had thrown number of hands, the army and which attempted its dominion over of necessity, be a feeble government would say again, proposed to govern instead of conciling not, and that only Let ministers look the fact, momentary section of any individual very careful inquiry remedy for such as which afflicted Ireland years experience did not believe, there were more success benefits conferred that they were not of injuries inflicted might rest assured speedily adopt some the present state have ample reasons

\* Parl. Hist. vol. 35 p. 40.

\* See First Sermon p. 332.

He could not accede to the original motion without some necessity being first shown for the introduction of so odious a measure. He was willing to believe that the marquis Wellesley, as far as he was allowed to act, was disposed to act for the benefit of Ireland; but, it was impossible for him, however much he might have the good of the country at heart, to act beneficially with a divided cabinet. It was impossible to expect a remedy from men who were not united in any measures calculated to restore Ireland to tranquillity. If his brother were in the cabinet, he would hold the same opinion. Three and twenty years had passed away since that Union which was to have conferred on Ireland the privileges of the constitution; and the friends of Ireland were, in 1823, calling in vain for an opportunity to sift to the bottom the causes of the misery that afflicted that country. Nothing could be more clear than that there was something radically defective in the state of Ireland—something that called for inquiry and investigation; but inquiry was denied, and the government were recurring to force, instead of adopting measures of conciliation.

Mr. Secretary *Peel* said, that as no member had questioned the propriety of passing the Insurrection act, it was not necessary for him to defend that measure. It had been said, that the government were deceiving themselves, when they supposed that that act would operate as a cure for the discontent and misery of Ireland. A cure—good God! who could be so infatuated as to suppose that that measure was intended as a cure? It was only meant as a temporary measure to meet a pressing emergency. With respect to the proposition of the hon. baronet, calling for a committee, he would only put it to the House, whether they could, at that period of the session, on the 24th day of June, enter into an inquiry such as the hon. baronet called for? An inquiry into the question of finance would of itself take up three months. Then there was the question of education, and an inquiry into the administration of the laws. He submitted to the House, that it would be perfectly idle, at that period of the session, to go into such an inquiry. He thought that ministers had been rather hardly dealt with, by hon. members, in the course of the present session. During the last session, the complaints of Ireland, as urged in the House, were excessive

taxation, the dist Now government (sion had met the duced taxation; distillery laws, and ward measures re still they were ex hon. members, as to redress the grie hon. member for that so long as at the Catholics, Ire stored to tranquill man was for portio Catholic clergy. ing things to the would not quarrel for boldly and fai He would only s handled by the hor importance, and th ber came to deal discover more clea their importance.

Mr. *W. Smith* co vernment had alre an inquiry into the solution to that ef that House six wee to the measures tha by ministers during he looked upon ther to throw dust in th Never was there strongly called for i of people were den constitution; while the patronage, the the country. In su was impossible that could be restored. made to the church was said, that it was to commence an inq Ireland, but why l been entered upon hoped it would not under that impressi ever reluctantly, giv the bill.

Mr. *Denman* en the right hon. secre no one doubted the Insurrection act on Whenever, and as o renewing it, for ho should be made in p lift his voice against alone.

Sir *H. Parnell*, a  
4 H

said on the subject, remained so fully convinced of the necessity of an inquiry such as he proposed, that he must take the sense of the House upon his amendment.

The House then divided: For the second reading 88; For the Amendment 39.

*List of the Minority.*

Barret, S. M.	Martin, J.
Bennet, hon. H. G.	Milbank, M.
Bernal, R.	Monck, J. B.
Bright, H.	Newport, sir J.
Buxton, T. F.	Nugent, lord.
Cavendish, ld. G. A. H.	Palmer, C. F.
Davies, T.	Pares, T.
Denman, T.	Rice, T. S.
Ellis, hon. G. J. W.	Rumbold, C. E.
Evans, W.	Robertson, A.
Farrand, R.	Smith, J.
Fergusson, sir R. C.	Smith, W.
Hamilton, lord A.	Tennyson, C.
Hobhouse, J. C.	Whitbread, S. C.
Honywood, W. P.	Williams, sir R.
Hume, J.	Williams, W.
Hutchinson, hon. C. H.	Williams, J.
Knight, R.	Wood, M.
Kennedy, T. F.	TELLERS.
Lushington, Dr	Parnell, sir H.
Marjoribanks, S.	Grattan, J.

HOUSE OF COMMONS.

*Wednesday, June 25.*

INEQUALITY IN THE ADMINISTRATION OF THE LAW—PETITION OF ROMAN CATHOLICS OF IRELAND.] Mr. *Brougham* said, that he held in his hand a petition signed by 2,000 Roman Catholics of Ireland, which complained of the general oppression in which that class of his majesty's subjects to which they belonged were holden, not only by the inequality of the laws as far as regarded them, but also by the unequal administration of the laws as they at present existed. That complaint, though it was stated with no less accuracy than force of language, contained nothing in it that was, in the slightest degree, disrespectful towards the House. As he intended to ground a proceeding upon this petition, it was unnecessary for him to state any thing further regarding its contents, than that the foundation of them was, firstly, the inequality, and, secondly, the unequal administration of the laws, as respected Roman Catholics. The petition was signed by many of the most respectable Catholic inhabitants of Dublin, and would have been signed by as many thousands as it now had hundreds, had not the petitioners thought it neces-

sary to send it with in order that it might fore the Irish mer

The Petition was read; setting forth,

"That the petition House with the due to its legislative rity, and appeal to redress; the administration in Ireland, corruption, deriving its equality of the law the system by which country has been, governed; from its the public tribunals refuge; the subjects government are liable to the violation simple despotism with of pressure upon community; but where with exclusive private machinery of corruption complicated, and extensive; a system established, the sense mingles itself in ties of life, tyrannical every step, it as much more immediate is multiplied and greater diversity penal code was in people of Ireland oppression the measure was possible for of persecution to tience of debased the House has seen volting system exemplified melancholy illustration the petitioners share tail of the calamities birth; look at Ireland result of its legislation the penal laws have fixed, the chain has broken off, but many are upon them, and fetters remains to disqualifications visible traces of character of the oppression among its unholy served with such licence in the sanction; although the has been allayed.



guished, and it daily exhibits itself in consequences the most disastrous to national happiness and concord; the impolicy and injustice of so fatal a perseverance in this system of degradation and of division are every where apparent, and are more peculiarly exemplified in the dispensation of justice; it would be difficult, indeed, that when so much inequality exists in the law itself, there should not be partiality in its administration; where the professors of the favoured Creed are arrayed in exclusive emolument and honour, it is natural that a selfish sense of interest should bring them into coalition, and that in the defence of their monopoly, they should be firmly and deeply marshalled against the men, from whose degradation their hollow and artificial importance is derived, and from whose industry their official wealth is wrung; the passions which arise from sectarian hatred, inflamed by the fears of endangered avarice, are of the fiercest kind, and naturally lead to a frightful excess; the sacred writings are tortured into a profane instrumentality, the bible is resorted to for the suggestions of massacre, and the injunctions of murder are drawn out of the very word of God; conscious of the guilt of their sanguinary affiliations, they fly from the light, their league against their country is veiled in a sacrilegious darkness, and their impious fidelity secured by a blasphemous appeal to the sanction of an oath; the members of such an association are naturally inflamed by animosities which infect the whole frame of society, and banish all regard for justice from the minds of those who might otherwise approve themselves impartial and honourable men; it follows as an inevitable consequence, that when they are intrusted with the administration of the law, it should be perverted into the means of conferring impunity upon one party, and of inflicting oppression upon the other; thus the spirit of faction ascends the public tribunals; when those, to whom the discharge of a sacred duty is confided, participate in the passions, and often in the guilt, of the culprit, it is not in human nature that they should not lend themselves to an impure and vitiating bias; of this melancholy fact the most flagrant examples perpetually occur; the petitioners appeal to the authority of the judges of the land, who from their seats on the bench have proclaimed their

sense of this intol-  
late Mr. Justice Fl  
of his judicial func  
Orange confederac  
sources of the cala  
this,' said that lear  
'I am certain, th  
associations are pe  
lawless manner the  
tranquillity in this  
larly in the north o  
disturbers of the  
sume the name  
frequent the fairs a  
in their hands, ur  
self-defence, or of  
peace, but with the  
viting attacks from  
fident that, armed  
overcome their d  
and put them down  
repeatedly perpetr  
sions, and though l  
ensued, yet, such  
consequence of th  
tions, that, under  
juries have decline  
it was sufficient to  
played such a co  
utter disbelief of hi  
another has stood  
bar, the display of  
mitigated the mur  
I do repeat, that su  
not merely as an in  
discharging his offic  
firmness and int  
Orange association  
memorations and p  
embittering recolle  
wounds upon the fe  
I do emphatically s  
opinion, that until  
effectually put dow  
from their hands, i  
of Ireland expect t  
These are the words  
delivered from the l  
mer assizes of the  
petitioners trust,  
recur to his impar  
firmed by the evic  
the judicial station  
unsupported allegat  
who, feeling his ow  
may assert, that un  
administration of  
Ireland; such a wi  
personal and official  
not credible, but in

deed, a matter of surprise, that men who are in some measure the medium of communication between the subject and the throne, should, at the moment when the evils of the Orange system are most fully disclosed, intimate an implied approbation of this confederacy against the people of Ireland; it is a palpable affectation to express a scrupulous disrelish for the oaths by which Orange-men are leagued, and yet to sustain the principles of oppression upon which they are associated together; how idle it is to declare the criminality of the Orange oath, while the Orange spirit is still fostered by the law; a religious character will be still impressed upon the administration of justice, and religious antipathies will necessarily obey the suggestions of the law, and start out of every party question; the judges, the officers of the court, the king's, counsel and the sheriffs who impanel the jury, will still be Protestant; thus will the administration of justice be stamped, as it were, with sect; under such circumstances it is not likely that justice will be pure, while there can be no doubt that it will be suspected; and in the minds of men, rendered jealous and susceptible by the continued infliction of wrong, suspicion will work almost all the ills which actual depravity could beget; it follows, that until the Penal Code is entirely abolished, the administration of the law must be exposed to abuse; the petitioners do not, however, consider it impossible that some alleviation should be afforded, even if the legislature should persevere in withholding their civil rights from six millions of the Irish people; and it would become the men who affect an anxiety to render their yoke less galling, while they insist upon its continuance, to suggest the adoption of such measures, of even partial and modified relief, as they may think consistent with the permanence of monopoly; the nomination of the sheriffs of counties is now vested in the judges, and although they are compelled to make their selection among the professors of the favoured creed, yet their high station affords a ground to hope, that they are placed beyond the reach of any vile and ignominious prejudice, and is calculated to inspire a confidence in their impartiality; but a directly opposite feeling must prevail in corporate cities, where the appointment of sheriffs depends upon associations of men who are peculiarly influenced by the fierceness of sectarian

hate; almost all comment are tried in whose sheriffs are selected by the corporators in their individual petitioners do not mean amongst them are h in the relations of pri not be controverted, itself is disgraced by tion, and has been co flagitious fraud; the been robbed of upwards money by these abuses they live upon the spoil low citizens; and to protect upon their privileges secure an undisputed among their own families they guard themselves sion of more liberal from religious ranc pecuniary baseness, Catholics from the as they are general of society in which not mitigated by the of education, they more than ordinary Catholic fellow subjects such men, that hum entrusted; under the administration of justice partial, vindictive, rough of Grampou chised for corruption any comparison with the corporation of manifold speculation by their profitable will not presume to humbly hope the administration of the eased and polluted should be drawn and how can it fail when it is derived and fetid source? are appointed by livelihood from the mere mockery to the land, that the law the petitioners, to plore the House to as may be calculated evils of which the sensible, and of which they shall not vain plain; the petition House for redre

millions of the population of Ireland, for whose sufferings so much commiseration has been so often expressed, but for whose relief so little has been done."

On moving, that the petition be printed, Mr. Brougham gave notice, that he would to-morrow move, that it be referred to the grand committee for Courts of Justice.

**HISTORICAL PAINTING — PETITION OF B. R. HAYDON.]** Mr. *Brougham* said, that he had a petition to present, which he had received with the most unfeigned sorrow, and which he had no doubt would excite the same feeling in the breasts of other hon. members when he detailed the particulars of it to the House. The petition was from Mr. B. R. Haydon, historical painter, who, from the great talent which he had exhibited in his profession, was entitled to expect a competency from it, but who was now, unhappily in the King's-bench prison, overwhelmed by ruin, and without hope of redress, owing to his having refused to take portraits, and to his having confined himself exclusively to one branch of the art, historical painting, in which, from the state of the market, it was not possible that more than one or two persons should succeed. The situation of the petitioner was so melancholy, that he believed his only means of amending it would be, by taking the benefit of the insolvent debtor's act. The petitioner stated, that after having devoted nineteen years of his life to the study of the arts, and after having collected various casts, sketches, and drawings, which were the objects of his daily study and nightly veneration, the whole of his collection had been swept away at once, by an execution that had been issued against his property. The petitioner did not apply to the House for relief in his own case, though he was reduced to such a state as to be obliged to begin life again, after undergoing the loss of his former collections; but he did apply to the House to protect other artists from similar disasters, by affording greater encouragement to historical painting. Mr. Haydon founded most of the observations in his petition upon the report of a very able and learned committee of that House, which had sat in 1817 upon the Elgin marbles, and which, after stating the advantages that were likely to be derived from that stupendous collection, submitted "to the attentive consideration of the House, how

highly the cultivation contributed to the and dignity, of which they had how intimately the advancement in science, literature that recommend given considerable to sculpture and (Mr. B.) thought country were at Haydon, reflecting thus given to architect, asked, encouragement given to historical painting? conceived to be the historical pictures the altars of churches the rooms or even individuals. Now recently voted 1,000 building of new churches had consequently when they expend sculptor and the expend a small portion way of encouraging painter. He could for the unfortunate petition he had to put acquaintance with his (Mr. Haydon) him to request but must certainly say of him upon that to leave a very upon his mind of and general conduct that the petition be

Sir *C. Long* allowed present sufficient to that branch of art, had devoted himself time, he did not see ment could be an enactment. He had the petitioner to but as he did not which he knew no ment, he had enquired from the petitioner encouragement was whether the petitioner by meeting with part, he could not had been, that the mately placed in the ed gentleman opposed

inclined to encourage this branch of the arts, if he knew how; but, unfortunately he did not. He could not, however, conclude, without congratulating the House upon its having shown on a recent occasion, a more liberal feeling towards the arts than that which had formerly influenced it. He believed that the learned gentleman himself, who had just praised the report of the committee on the Elgin marbles, had given his strenuous opposition to the carrying into effect the recommendation of that committee.

Mr. *Brougham*, in explanation, stated, that when the purchase of the Elgin marbles was under the consideration of the House, two distinct questions were involved in it; first, the right of lord Elgin to take them; and next, the money-value of them. Regarding the first, he was not much inclined to be squeamish. He certainly thought that lord Elgin had conferred great benefit upon the arts in taking them from Greece; since, if they had been left there, they would have been ground to powder by the Turks for the purposes of building. Regarding the second, he would remind the House, that there had been a great difference of opinion as to the pecuniary value of them, and that the opposition which he had given to the vote for the purchase of them, was derived from the financial distress which at that time pressed upon the country. The value of those marbles to the arts he had never disputed: indeed, he thought that some of them, mutilated as they were, were greatly superior to the Apollo Belvedere and the Venus de Medici, both of which he had had an opportunity of seeing at Paris.

Mr. *Croker* was not without hopes that this petition might do good, seeing that it related to a case of distress which touched the heart, at the same time that it affected the mind. He was not, however, clear upon the principle, that historical painting ought to be forced upon the public. Among painters, historical painting was considered that kind of painting which was least historical. True historical painting was portrait painting; and, those who had seen the splendid collection of portraits in the gallery of the British Institution would be convinced that those portraits were really historical pictures. If there were any artist so attached to historical painting, as to say that he would not condescend to paint portraits, that artist ought to be reminded, that

Titian, Raphael, and more distinguished for paintings, than they were in portrait painting. It was necessary to say thus to young artists from giving to the same foolish idea to have acted so injudiciously in the tunes of Mr. Haydon.

Ordered to lie on the table.

#### LORD LIEUTENANT

Mr. *Hume* rose to submit the motion of which I have long a notice, namely, the manner in which Ireland is governed, and whether it should not be made with great object was, to abolish the lord lieutenant in that count. A great impression existed in some motions was made with the marquis Wellesley, clearly understood that in the smallest degree of conduct of that nobleman had long had a favour from the noble marquis, and something that now fell from the smallest degree have been censured, although he had been much disappointed of the marquis's address. He was well aware that the lord lieutenant was an arduous and difficult office, and it was unfair to draw too much against him whilst upon the difficulties he had to contend with. There were obstacles raised by the misrule of the government not to be expected that they would overcome them, partly by the government in England. It was difficult to ascertain whether they would support, or oppose. The king's government of the present day, actuated, it was understood, by intentions; desirous, I had himself set which put an end to that which had so long disturbed the country; to terminate the exclusion both civil and religious, unfortunately was the cause of those evils under which we were to place Protestants on the same footing in the administration of laws, and in the par-

blessings of the British constitution. Mr. Pitt had said, in parliament that "He did not merely say, let Ireland be united, let her be blended with us, but let her partake of every solid benefit, of every eminent advantage that could result from such incorporation." This House in its address to the king, and his majesty, in his speech from the throne, anticipated the same results: but, he would ask, has there been any such participation by the people of Ireland of those solid advantages so conspicuously held out at the Union? Have not the Catholics, the great mass of the population, to this day been excluded from all offices of trust, and deprived of those promised blessings? And was it not reasonably to be expected, that under such a government the people should be discontented and the office of lord lieutenant be a very difficult one? He would show the actual state of the public appointments, as regarded the Catholics and Protestants at the time the marquis Wellesley went to Ireland; and taking into consideration the relative numbers of each class in that country, it appeared to him sufficient to account for much of the mischief that had lately taken place in that devoted country. Although, by the Irish statute of the 33rd Geo. 3, c. 20, the Catholics are declared admissible to many offices from which until then they had been excluded, yet the practice has been in reality such, that an almost total exclusion had continued; and one of the chief causes which raised the opposition to lord Wellesley's government, was perhaps the determination he manifested to break through that system, and to dispense the patronage of the government impartially [Hear]. He (Mr. H.) had been anxious to know the precise distribution of the government patronage, and when the House heard the particulars he was confident their surprise and astonishment would be highly excited. It was not possible to get a perfectly correct list of the religious persuasion of all the public servants in Ireland, but he believed what he had obtained was sufficiently accurate for his purpose. The exclusive faction, or Protestant Ascendancy-men, as they were called, absorbed nearly the whole patronage of the government—that is, in a population of seven millions a few hundred thousand persons enjoyed almost all the advantages and emoluments of office. Was it not difficult, then for any lord lieutenant,

however benevolent  
 tions towards the gr  
 of Ireland might be  
 effect under such a  
 An act of justice to  
 pointment of one to  
 the signal and almo  
 rousing the hostilit  
 rested few, who, if  
 vernment in Englan  
 hitherto done, effe  
 good and liberal  
 tenant. He would  
 a few public depart  
 In the Irish Post-ol  
 persons holding offic  
 were Roman Catholi  
 Dublin Society the  
 none of whom wen  
 Bank of Ireland ther  
 and of that number  
 the board for paving  
 missionaries for erectin  
 serving the port of Du  
 —amongst the trustee  
 —the lord lieutenant  
 city officers and co  
 committees of pipe  
 ment—of the police  
 public establishments  
 solitary Catholic to  
 In the office of Custo  
 persons employed, a  
 were Catholics. In th  
 265 persons employe  
 ber only 6 were Cath  
 in counties there we  
 of them Catholics—  
 affidavits there were  
 of them Catholics—  
 the linen board onl  
 In fact, on an aggr  
 establishments, the  
 held in his hand, the  
 holding offices paid b  
 and of that nu er,  
 tholics [H. H.]  
 the exclusion  
 rior offices, but  
 he would mention  
 assistant l ters b  
 Catholic. 11 1 we  
 law m in Ir  
 filled by u  
 lu 1 w en  
 and  
 17 10 03 or  
 in of Our.  
 ne 1 1  
 1 1



nourable appointment [Hear, hear]. His (Mr. Hume's) object in stating all these facts was only to show the difficulties lord Wellesley had had to contend with, in attempting any change in such a system; and, unless the House interfered, that privileged few would get the better of the present and of every future lord lieutenant, and perpetual discord and civil war would be perpetuated in that country.

The question for the House to consider was, whether, under all these circumstances, it was proper that the government under a lord lieutenant with a chief secretary and large establishments, resident, ought to be continued any longer? It was, therefore, fit to inquire what the particular duties of the lord lieutenant now were, and whether they could be performed in London with equal efficiency and advantage to the country, as in Dublin. Much prejudice, he (Mr. H.) thought, existed on this subject from ignorance of the actual state of the duties to be performed. If he could prove satisfactorily to the House, that the duties of the lord lieutenant, of the chief secretary, and, consequently, of many other officers connected with them, could be as well discharged in London, he should make out his case. One great evil of the present system arose from the viceroy's court being the focus of faction and intrigue, producing virulent party spirit, from which emanated many of the evils that had long distracted Ireland. It was true that many causes had been assigned by different persons, to account for the perpetually disturbed state of that country; but what had been so forcibly and so ably stated a few nights ago by the hon. baronet, the member for the Queen's county (sir Henry Parnell) appeared to him to account very satisfactorily for it. His late majesty, in his speech to that House in 1800 (29th January) had said that, "This great measure (the Union) he should ever consider as the happiest event of his reign, being persuaded that nothing could so effectually contribute to extend to his subjects the full participation of the blessings to be derived from the British constitution, and establish on the most solid foundations, the strength, prosperity, and power, of the empire."

England, Scotland, and Ireland, were called the united kingdom; but, were they united in the spirit or intention of those who promoted the Union? Had Ireland

participated of those of the British cons source of prosperity empire? It was in Union, the interests land would be so con to use the words of Corfe Castle, that Ireland the same as a count up to the present time governed as our slave viceroy and colonial Jamaica might be a propriety, a part of as Ireland [Hear, speeches, the address and all the debates held out a complete of its interests and to fulfil the pledges. Had the peace of Ireland dated since the Union prosperity and happiness. No, it was scarcely try to be in a worse Remove, therefore and along with the colonial establishments be in reality united and enjoy the advantage there was no doubt that country would reference to the Irish would be found, that the Union, the lord surrounded by a enjoyed enormous employment, and, their conduct, offered mass of the people content and civil interrupted operation Insurrection acts, Habeas Corpus act of Martial Law, House that no in place since the change in the government must be for the benefit he (Mr. H.) removal of the lord were many duties before the Union required; and it is H's.) duty, to show performed in Dublin well discharged in tary establishments, the barracks, &c., distinct from Great Britain

and the lord lieutenant had the same power and patronage with them, as the king has in Great Britain. The half-pay, pensions, military accounts, commissariat, formerly managed in Dublin, were all now managed in London. There was also a secretary at war for Ireland, and a large establishment for his office, since abolished. The commander of the forces was last year also withdrawn as unnecessary. The Kilmainham hospital pensioners have been, by an act of last session, incorporated with Chelsea. In fact, all the military establishments of Ireland now formed part of the British establishment, and the lord lieutenant had nothing to do with them, except as a medium for transmitting the orders sent from London, or, in other words, for intercepting the prompt execution of them. The Customs and Excise of Ireland, formerly under separate boards and the control of the lord lieutenant, are now consolidated with the English boards. The Post-office and Stamps are also in progress to be incorporated. The Exchequer of Ireland had been incorporated with that of Great Britain five years ago; and, although the lord lieutenant might still sign warrants for some payments, he had no power whatever over any part of the supplies, except over a small sum for civil contingencies. All grants of money were appropriated by acts of parliament, and their application was, in the opinion of many well-informed persons, only impeded by a vice-treasurer, altogether as useless as the viceroy. Neither of them possessed the power of appropriating a single shilling of public money without the sanction of parliament, or of the Treasury in London; and he believed that the

treasury could per neither of these of

Although he (A removal of the colon land, chiefly from purpose of good gc expense should n there were any adv vice-regal governn its enormous expe motion; but, he c only pure unalloye

At a time when economy in every the House to look ture of Ireland. fident, that suffici been given to that in which the accou kept, very much to the public eye. In peace, prosperity, empire by the Unio beggary, and a cor finances. The peopl taxed to pay upw sterling annually, misrule in Ireland other reasons for t proposed in the country, so large ar ing at the present t to enforce attention

To prevent any n a subject, he had t of the revenue and e in the year ending and the parliament this session, dated t the return now in member. By that a

The *ordinary revenue* of Ireland for the year was.....

From which deduct the expenses of collecting, &c.....

Leaving a nett sum of .....

The balance of outstanding bills less in 1823 than 1822 was ...

Making the total nett revenue in the year 1822.....

The *expenditure* for the civil list.....

For miscellaneous charges on the consolidated fund .....

Payment out of the revenue in its progress to the Exchequer for miscellaneous expenses .....

Army services .....

Ordnance services .....

Miscellaneous services.....

Advances out of the consolidated fund for public works 383,734

Deduct repayment for public works..... 161,392

Actual advance for public works .....

Leaving a surplus to pay the interest of the public debt of only ..

Whereas the demands and charge of management of the debt, in  
exclusive of the sinking fund was.....

The dividends and charge of the Irish debt of 83,944,904*l.* in  
was .....

Making the total charge of the Irish debt borne by Great Britain  
From which deduct the surplus of revenue over the current exp  
as above .....

And leaving the nett payment for Ireland of ..... (

exclusive of part expense of various  
establishments for carrying on the business  
of Ireland, incorporated with those of  
Great Britain.

If then, that country was, by its con-  
tinual insurrections and disturbances, a  
source of weakness and distraction to us,  
and that we had upwards of three millions  
sterling to pay to support the system of  
misrule that produced these, he (Mr. H.)  
had no hesitation in saying, that we ought  
to try any change, and if not benefitted by  
it, it would be much better if the two  
countries were separated.

Ireland with seven millions of popu-  
lation never could be valuable to Great  
Britain, whilst governed as a colony  
and by coercion. He wished to make  
Ireland really an integral part of the em-  
pire, and to give her the same privileges  
and advantages enjoyed by the people of  
Great Britain, viz. an impartial adminis-  
tration of justice, and an equal parti-  
cipation of civil rights—then, and then  
only, could she be a source of wealth and  
power. Under a viceroy, never!

It had been said by Mr. Sheridan, "If  
the people of Ireland are active and in-  
dustrious in every country but their own,  
it must be the effect of their government."  
Of this he (Mr. H.) had no doubt. He  
particularly requested the attention of the  
right hon. secretary (Mr. Canning) to  
what was formerly said by him in support  
of the Union. "When once (said Mr.  
Canning) the Union should be effected,  
the necessity of keeping up a large army  
would be removed." Had that result  
taken place? Had not the contrary taken  
place? Was there not a very great in-  
crease of the army in Ireland since the  
Union, and it was the duty of that right  
hon. gentleman and his colleagues to ex-  
plain the reason. The military force was  
really more numerous in Ireland than in  
Great Britain: ..

of disaffection of the  
country that it was  
to keep them under  
the army was small  
only 500,000*l.* Now  
the expense three  
In every departmer  
had greatly increase  
diminished. The sal  
tenant, for example  
1810, when it was i  
and there were othe  
to 50 or 60,000*l.* a y  
be requisite, if the  
withdrawn.

If there had been  
Ireland, the people  
very reasonably have  
depriving them of  
penditure of the lor  
But, as the case st  
England had a right  
such useless and exp  
were maintained at t  
therefore the duty of  
were no other grou  
of the vice-regal ge  
relief to our financ  
list of the useless  
the present system,  
or four folio pages of  
his hand. The prese  
support such useless  
pense of the civil resi  
Dublin, consequent  
vernment, were also  
peared by the 7th  
committee of 1810,  
which the hon. mem  
was chairman. Th  
buildings in the fou  
31st Dec. 1809, was r  
—viz. for the ca  
s-park, 39,94

the military  
the military  
the military

ought in future to be saved. The civil establishments, and the civil buildings, were all most extravagant, and worse than useless.

He (Mr. H.) had been asked in what manner the duties, now performed by the lord lieutenant and the chief secretary, could be performed, if their offices were abolished. He had made himself acquainted with the whole details of these offices, and should show to the House in the most satisfactory manner, that every thing could be done better in London than in Dublin, with one or two exceptions, which might also, with a little trouble, be managed with perfect security to the public interests.

The duty of the lord lieutenant, from the time of the duke of Ormond, in 1711, to the Union, had, in the absence of the lord lieutenant, often been performed by lords justices as well as when the lord lieutenant was present; the chief secretary was the executive officer to both, and acted generally by parliamentary enactments, and not by their orders. Since the Union, almost all the patronage had been taken away from the lord lieutenant, and he had little else to do than sign warrants for the execution of the orders from England. He presides at councils as a matter of form chiefly; but these could be held equally well in London. Every warrant he signs might be as well signed in London, as they almost all are conformable to acts of parliament, which leave him little or no discretion. The public and private correspondence would cease, if he was withdrawn, and it would go to the secretary of state for the home department, with whom in reality all the responsibility of the acts of the Irish government rested. The proceedings of the council-office, was a record of all measures acted upon by government, but chiefly when proclamations issue. Lord Clifton, the clerk of the council, had a sinecure: and a deputy and two clerks keep all the books. The principal entries were, the records of church livings, of exchanges and preferments, which could be as well, or better kept in London. Indeed, so trifling were the duties of this office, that the whole of the records since 1810, were contained in one book.

The office of the chief secretary appears to a superficial observer, to be absolutely necessary, in Ireland, but a closer examination will show, that almost every

thing may be transacted at the office in London, formed free from and party spirit than in Dublin, and without any secretary, but from acting with discretion.

An under-secretary could conduct the whole at present. Its departments of 12 branches or departments of criminal police, how to conduct them, and secretaries were

The first department existed only between England, and the and would then go to offices there.

The second department, and Excise, were in English boards.

The third, or department would be in London.

The fourth and Civil Affairs, and mere records, as all business came from London, routine alone, with a secretary.

The sixth branch of Affairs, might all be in London, where they originated at present.

The seventh, or was already, in reality, and the chief secretary money matters, minister

The eighth, or department, is only to keep informed of what passes from Dublin.

The ninth, or Secretaries, been recommended of inquiry to be placed on a board.

The tenth and eleventh, Police and Criminal duties which require attention, but there appears no place for them on a list of departments in Scotland.

The twelfth branch, King's Letters, where originals were kept in

So that, generally, issued in London from or on the authority

and their passing through the Irish government was, in almost every case, an impediment to their prompt and efficient execution.

The difficulty of communication between this country and Ireland might, formerly, have been a reason for continuing the vice-regal government, but that reason can no longer be urged, as the time of communication between London and Dublin was shorter than between London and Edinburgh. The Mails from London reach Holyhead in 32½ hours, and the passage across the channel by the Steamboats are regular—so that 4 days and 5 nights only are requisite to obtain an answer to any letters to or from Dublin and London; whilst 5 days and 6 nights are required to obtain an answer between London and Edinburgh. And he would add, that, by the exertions of his hon. friend near him (sir H. Parnell) Dublin would be brought still nearer London, as soon as the works at the Menai-straits were finished.

An objection to the abolition of the lord lieutenant had been made, he understood, by the inhabitants of Dublin, who considered the splendour and expenditure of his court essential to the prosperity of that metropolis. It might be partially so, but he believed, that Dublin would not suffer by the removal, to any considerable degree, so as to warrant any fears on the subject. It had been predicted at the Union, that the removal of the Irish parliament would ruin the city of Dublin, and that grass would soon grow in its streets. But Dublin was a commercial capital, and whilst it also contained the courts of law, the college, a large military garrison, and was the centre of communication between England and the whole of Ireland, the city must improve. It had, in fact, very much increased since the time of the Union, as the returns on the table of the House, which he had moved for, to prove the fact, clearly showed. In 1798, there were 16,401 inhabited houses, and 182,370 inhabitants. In 1821, there were 19,864 houses, and 223,223 inhabitants—showing an increase since the Union, of 3,463 houses, and 40,853 inhabitants.

In its trade and shipping considerable increase had also taken place. In the port of Dublin the number of ships had increased from 2,575 to 3,029; and the number of tons from 266,729 to 329,569, showing an increase, on the average of

three years at each per cent and 62,840 tons. The increase had taken place at the exports, for, in them, it had also greatly increased. There were 1800 ships in 1800, and 397 ships and 713,261 tons in 1821—a crease of 3,167 ships—more than double in amount of imports and of Dublin were looked upon, by their amount, as little to apprehend, in consequence of the removal of the lord lieutenant. On an average of three years, the value of the exports of the Union, the value of which was 2,607,495*l.*; for three years previous to the Union, exclusive, they were 3,167,495*l.*; an increase in value of 560,000*l.* The exports in the year 1821 were 1,437,847*l.* to 1,437,847*l.* an increase in value of 560,000*l.*

In every point of view he saw but trifling obstacles to the great advantages which would result from the measure he proposed. He therefore, hoped the House would get rid of the lord lieutenant together, and to have Ireland carried on in the same manner as Great Britain, by appointing magistrates and sheriffs to be responsible for the execution of the executive government. He could be no object to the disposal of the military, or the military district, under the order of the lord lieutenant. He was an officer in Dublin, in consequence of which it is now done in Scotland. He had been asked, where he could be found in Ireland, but to say that resident magistrates could not be found capable and willing to execute an important charge, was the nobleman and gentleman he should never admit of. It was made and found high and important honour and responsibility. He should be found ready to execute it faithfully. The measure now passes with the ties and the sheriffs in no way warrant a conclusion of what would be the new system. A



is filled by those whose parliamentary and protestant interest prevails, without regard to their fitness for the office, or even the knowledge of the officer under whom they are to act, and the result is, as might be expected, an inefficient and corrupt system. Let but the lord-lieutenants appoint and be responsible for every public servant in the county under them—let them alone correspond, as in England, with the secretary of state in London—and let their reports of the state of the country be alone depended upon, instead of the reports, as at present, from every officious or interested person that chuses to address the lord-lieutenant. If we judge by the erroneous correspondence respecting the state of the country, and lately published by parliament, with the marquis of Wellesley, it will be impossible to be worse under any system.

No man was rash enough to deny that the condition of Ireland required a change. That the lord lieutenant, so far from improving, in any way, her state, could not live in peace, and carry on the government in quietness, unless he put himself into the hands of the Orange faction, recent events had fully demonstrated. Whilst Ireland presses so heavily on England, at an annual expense of three or four millions sterling, why maintain, at a heavy expense, an officer whose presence was worse than useless—was the source of mischief to the country [hear]. For himself he (Mr. Hume) declared, that he should never think the Union complete, or the recorded pledges of King, Lords, and Commons, fulfilled, so long as a lord lieutenant remained in the government of Ireland. In fact, Ireland was, under such a system, a colony, with all its vices, and without the checks and control against bad government, which existed in Jamaica and other colonies having legislative assemblies and councils. It was contrary to the experience of all ages that good government could exist, or the people be happy, under such a system, and he entreated the House to lend themselves to the change.

At an earlier period of the session, he would have moved for a select committee to inquire into the expediency of the alteration proposed; but there was not now time for such proceedings, and he thought the best course would be, the appointment of a commission by the Crown, to make inquiry. The commission should be directed to the collection and

management of the land, and to have had performed that (Mr. H.) was perfecting the inquiry to their objections to them, might be appointed to the present state of the country would only increase confusion which had so long devoured the country should, therefore, make a noble Address be presented, praying, that he will be pleased to appoint a commission to inquire whether the government in its present form, ought to be continued, or whether the lord lieutenants may not, with advantage, be dispensed with."

Mr. Ricardo seconded.

Mr. Goulburn began by saying, that the office which he had held, was not the sole motive for opposing the measure before the House. He conceived that office he might think that to it were such as with altogether, or other department with. But, whatever his opinion would not prevent considering the present state of the country to the character fatal to the interest. The hon. member had, at his motion on the same subject, effected by abolishing the office. But, there were considerations to be weighed which would wholly overbear any sort. It had often been contended with the hon. member, that he never before had he had to contend with him, economy had been a surd and extravagant member had argued, that it was a charge of about £1,000,000 on England, therefore he would be made a separate kingdom of her own. Entirely the benefits which the two countries from the union, and for the paltry, the collection of the annual cess of this country, he should be an eternal blessing to them. He could not

of that sort ; nor could he expect that its proposer would agree with him, nor with those wise and great men who had contended, that something more ought to be looked to than the mere pecuniary advantage which would result from the abolition of particular offices, and that the great question was, how Great Britain might be best governed, with a due regard to the feelings of the people, and the interests of the empire? In Ireland it was necessary that the attention of the government should be not casual only, but regular and daily, for the purpose of suppressing tumult and discord, and discharging all the other duties of ameliorating the situation of the country. It was necessary that there should be some person on the spot, invested with so much of the royal authority as would give efficiency to all public measures. The hon. gentleman, in arguing, passed carelessly over the duties of the present Irish government, omitting some as unimportant, stating that some might be transferred to other departments, and that others might be dispensed with altogether, and then inferring, that the whole establishment of Ireland, with the lord lieutenant at its head, was wholly useless. The hon. gentleman had said, that the lord lieutenant was only occupied with signing warrants ; but he had not told the House of the nature of those warrants, whether they were to further the sentence of the law, or to extend the mercy of the Crown ; whether they did not involve the most painful and important public considerations. The hon. gentleman had entirely omitted that part of the lord lieutenant's duty which regarded the superintendence of the administration of justice. Some notion of this branch of his duty might be formed, when it was stated that 400 capital cases had been referred, during the last year, to the lord lieutenant. These required the greatest consideration. It was necessary to refer to the legal authorities, to weigh the evidence, to look at the state of the country, and to exercise with the greatest caution the duty of determining whether, on a balance of considerations, the sentence of the law ought to be executed, or the mercy of the Crown extended. This duty could not be discharged by any inferior officer. The House was not so insensible to humanity and the principles of justice, as to countenance in any way the danger and cruelty of de-

laying this part of justice, by exciting realized, or cutting criminal, the advance to such an another point which the hon. gentleman feelings of the Irish were at all acquainted that the middling and country considered England, as the result They felt as being country, and entertained to the English domestic, therefore, some emblem of royalty amongst them, as a painful feelings of ; however, every government were to establishment transferred instead of remaining universal feeling would been disregarded or reason for keeping was the beneficial patronage, by enabling their sons in public their support, with quit their homes ; the present estate away with, the queen the manner in which that country was after. It appeared, must be adopted ; made a separate grade officers must be kept the duty, but not lord lieutenant. Aberdeen thought Irish government as unimportant, that it make-weight into of state in England his business there to a degree. To a tail was wholly unnecessary must be governed be absolutely necessary office of secretary of the business. The of the secretary's affairs of Ireland, House of the utter ferring those affairs hon. gentleman, the existence of a had no objection to

two new ones. He would appoint a lord lieutenant over each county, with powers equal to those of the present lord lieutenant, except in criminal cases. The result of this, he fancied, would be to destroy faction and party spirit. If this plan were to be adopted, how was the secretary of state to obtain his information from Ireland? There was no other proper mode than from responsible persons of authority in that country: The common channels would be insufficient. Other secretaries might not be found possessing the knowledge of Irish affairs which his right hon. friend (Mr. Peel) possessed. It would be necessary for the secretary of state to repose unlimited confidence in persons of distinction in Ireland. The example of Scotland, referred to by the hon. gentleman, did not exactly apply. The cases of the two countries were dissimilar, and still great inconvenience had resulted to Scotland, from not having some officer like the lord lieutenant of Ireland. A secretary of state had existed there, who was governed by motives of interest, and acted on by external influence, in such a way, that, during the disturbances in the time of sir Robert Walpole, government had been forced to send down a person with new powers and higher authority, in order to tranquillize the country. If, on the other hand, it were contended, that the best way would be, to have a resident officer in Ireland, the point must then be decided as to what rank he should hold: whether this new officer were to have as much power lodged in his hands as the lord lieutenant, or less. If the powers were equal, there could be nothing important in the alteration; if the officer were to have inferior rank and powers to the lord lieutenant, it was much to be feared that his authority would be insufficient for the duties of his office. The hon. gentleman had asserted, that the offices in Ireland were chiefly filled with Protestants; he had offered the Stamp department as an instance, alleging that there were only two Catholics employed in it. Now, to his certain knowledge, there were, for the county of Galway alone, three Catholic distributors of stamps. He did not deny that the offices were chiefly filled by Protestants; and it must be so as long as the greater part of the property be in the hands of the Protestants.

Bombard,  
the

...

it could the  
loying Ca-

tholics instead of Protestants, upon the best of the present lord lieutenant's two last precedents in inquiry as to the propriety of recommending the parties. The partiality of the Catholics and Protestants would admit that a might be saved by a regal government; desirable, in the present time so anxious for the civil and military tranquillity of that country, in order to bring about a more perfect tranquillity? Above all, in the speech of the hon. gentleman, he objected to the bringing into the subject of the mission. Upon what government of that kind not too powerful for the government to place on the arrival of the officers, and to examine into the functions of the officers, and to those who were summoned in the manner of discharging their duties. It was plain that the government would sink in its consequences, and its authority would be weakened in proportion. If the government were to inquire, let the House decide. After recapitulating the arguments, the right hon. gentleman opposed the motion by opposing the motion.

Sir H. Parnell said he moved to the House to adopt the plan proposed by the hon. member for Antrim. He had seen and heard a great deal, and he was firm in his opinion. He was pressed of the expediency of the plan. He considered it to be desirable to administer the government by a deputy executive. The moment the king was the head of government, the government of that government was the English constitution. It was more or less a position to be ever so long in his countenance. He never could have one or other of the into which the country was posed to him; and the of the existing an-

until the cabinet took the government of Ireland into its own hands, and administered it in the name of the king. The hon. member for Aberdeen had laid before the House a very accurate statement of the nature of the public business that was transacted by the lord lieutenant and the chief secretary. He had completely established the case, that out of twelve divisions of business one only now remained, that of police, and the administration of justice. The whole of the military, financial, and commercial business of the country, was taken away, already, from the lord lieutenant, and transacted in London. The inconvenience and abuses belonging to the system of separate authorities had made this arrangement absolutely necessary; and why should not the police of Ireland be administered with equal efficacy and convenience to the public in London? At present the system of police government in Ireland was extremely defective. This was evident from the despatches of the lord lieutenant, for from whom did he receive his information, from the counties? By communication with a police magistrate or some English colonial of a regiment. The names of the resident noblemen, and of the country gentlemen of consequence and consideration never appeared in a despatch: they were passed by; and the consequence was, that government was continually imposed upon by false accounts of the state of the country. If there was no lord lieutenant, but a secretary of state for Ireland, a member of the cabinet resident in London and in constant communication with the cabinet; and if each county in Ireland had a lord lieutenant to communicate with the secretary of state, the system of police would be infinitely of greater efficacy than the present system was, the case of capital convictions might present some difficulty; but this was to be overcome by a proper arrangement of a plan, and was not insurmountable. It was not correct to say that there existed any strong or general feeling in Ireland, against the removal of the office of lord lieutenant. He heard of no other opinion among those with whom he had lately conversed on the subject, but a deep conviction of the necessity of the proposed change. The hon. member would, he rather see his countrymen, than even or fourth year, a lord lieutenant

considerable united kingdom expect that attention to it. university, the number of frequented in every prospecting city. The one million a last five years an average of Union; and of 4,000 inhabitants since Whitelaw. The repealing the great service pension mi pealing local remembered, had derived vantages from expenses of moderate, as considerable lords-lieutens this country. say the vicer authority. I much more. was adminis king. The is a direct tend rity. The pe injustice from that they nev it. They nev of the cour of justice wer that system which had, fo invaded them peo to Irish the whole of the whole sy land for ad reason, it wa complete se orders which nd of the ment.

Mr. D. S.

felt conv

in D

the D

the D

the D

the D

the D

charge the duties, he thought he had some claim upon the attention of the House. The question which they had to consider was, whether or no they thought it advisable, in the present circumstances of Ireland, to abolish the local executive government. The whole merits of the proposition lay in the advice of the hon. member to put Ireland upon the same footing of government as Wales, or any other subordinate kingdom or province which had been incorporated with the British empire. Now, he conceived that Ireland was by no means in a fit state for effecting that change. It was not a question of expense, but of expediency and policy; and a few thousands of pounds could not weigh at all in the consideration of it. He thought that a local executive was an essential and necessary check upon a country so remote, which was an ancient kingdom, and, till the last twenty years, had a separate legislature. On the other hand, what with the growing population and commerce of this kingdom, the duties of the Home office were now quite as much as one man could faithfully execute. The House would consider, that, in the exercise of that great prerogative of mercy, it was the duty of the Home secretary to communicate personally with the judges upon each particular case; to try each case over again, in fact. This was only one branch of the duties of that office, which, as he had observed, were quite enough for any one man. Now, if the Irish affairs were to be turned over to the same hands, as the labour would then be too much, was there no danger that, between the interests of Wales, and Scotland, and Ireland, some of them might be neglected; and was it not very likely to happen to the interests of that country which was most remote from immediate observation? To prove to the House what would be the probable augmentation of business in the Home office by acceding to the motion, he would only mention, that in the past year there were in Ireland 8,312 criminal convictions; out of those, there were applications for mercy in 2,400 cases, out of which, 400 capital sentences were set aside. If a separate Secretary of State should be appointed for Ireland, his absence from that country would be highly injurious, and yet it could not be avoided, for he must be in the House of Commons. [Mr. Hume said, "w." ] Yes, he did so now; was a lord lieutenant in

Dublin, who vented the dis-  
the neglect  
hon. gentlen  
pointment of  
of the lord li  
from the infi  
prejudices w  
cause he wou  
England. N  
correct, it w  
tary of state  
his duty bett  
or perhaps at  
not be assaile  
prejudices, u  
think he wa  
Wales.—The  
too, as a res  
lieutenant sh  
had lost all  
assure the ho  
patronage w  
to the inter  
maintained in  
that of the c  
he would as  
this patronag  
exercised, un  
country was  
whom it was  
gentleman p  
the inconveni  
measure prop  
the House.  
consider—rel  
lion of 1793;  
as the exist  
whether it w  
the advantag  
and whether  
cient vigilanc  
affairs of Irel  
authority of  
these were c  
House must  
wise to weak  
government;  
acquainted  
arrival of a c  
not be regar  
the lord lieut  
examine if t  
they were ph  
this would b  
It were much  
nant should  
would rather  
land should.  
secretary of  
4 K



removed. The object of the committee was only to inform the House, in the best manner, upon a subject of the best interests of the country. It could be meant to take any measure adopted by which, if it were possible, his friends would command a large majority. He was much indebted to the House for having brought this subject to the attention of parliament, and that the measure, whatever its fate now, must, eventually

Sir J. Newport as  
thing could be mo  
interests of Ireland,  
the feelings of the p  
posal before the Ho  
he were in the situ  
tenant, and a comm  
to inquire into the  
ence of his office, h  
ranted in holding  
But he spoke only  
different people h  
When gentlemen t  
which Ireland was  
from that in favou  
would refer them  
during a very wis  
of queen Elizabeth  
how different a po  
When revolt and  
land, that queen di  
deputy, but sent I  
disturbed province  
them to tranquillity  
of government to  
as possible to the  
mischief was, thith  
He had spent a l  
large portion of th  
the discussions o  
course of nature, h  
take his departure  
have that opportu  
conviction, the re  
that there could b  
the feelings of th  
would be more li  
than by the remova  
ment. They woul  
last scene of thei  
would think that t  
had been held out  
were all destroyed  
residence would be  
lity, many of whor

were necessary, and who remained in that country at present, would quit it as soon as the court should be removed. He had never felt a more decided conviction that he was doing his duty, than he did in giving a negative to the motion.

Mr. Secretary *Canning* said, that the opinion which he had formed upon this subject before the debate had commenced was fortified beyond all measure, by what he had since heard. Although the testimony was conflicting upon the subject, the conclusion from general principles was so obvious, that he thought it could not be mistaken. Let the House suppose that a few years had passed since this measure of removing the government from Ireland had been adopted. The Secretary of State would, of necessity, be ignorant of all those local peculiarities which, under the present system, were so accurately detailed. He could not conceive any thing more extraordinary than that the House should consent to strike away all those advantages which were derived from the presence of ministers who had served an apprenticeship to the Irish government. But, the motion before the House afforded in itself the best proof of the value of local information: for it was proposed to send a commission to Ireland to collect that local information before the House should decide. It was not ventured even to lay the foundation for that absent form of government which was to be recommended, until such information should be obtained. If this, then, were to go on, commissions must of necessity be appointed as often as it was necessary to procure information; and, instead of collecting it without shock or confusion, the House must send commissions, each with power equal to that of a lord lieutenant, to collect and bring home particulars, which they were certain must be procured during a perturbed state of the public mind. That information was best gathered and laid by for future use during the ordinary current of events; and not by fits and snatches, as often as separate events required separate inquiries. But, the chief objection to the measure was, that its effect would inevitably be, that, if the executive government were removed, the practical power would be thrown into the hands of parties. Two general principles of English ministries, however, would not have passed, before the present office of Secretary of State himself obliged to

pin his faith in connexion in consequences which the power exerted. That he covered that, owing to the executive government well-intentioned information for justice. He questioned, the condition of of 100,000%. of the expense be a consideration that country; it would make effect it might be regarded this would be bound the trade adding to so moment when sufficiently irritated sufficiently severe only decided government inquiry which parliament measure that could be, in country, more

Mr. *Dawson* said, his position was on an injurious that

Mr. *R. M.* said, bringing about to serve, that as understood, tenant should land. Adverse of members, that after the which the house posted up on present motion benefit. He to supersede for the commission to be very little proposition.

Mr. *Hutchinson* said, not concur in He was convinced would be occasion there appear part of parliament Wellesley from and, if the

House were carried, he had no doubt that it would give rise to an idea that parliament did entertain such a feeling. If it were to go abroad that government did not intend to support the course of policy marked out by that noble person, very unfortunate consequences would inevitably be the result. Although some circumstances had occurred in the course of the noble marquis's administration which were calculated to produce feelings of pain, still he thought it was wise and proper to support him until his system of policy was clearly and plainly developed. He should, therefore, give the motion a negative, lest the motives of the House should be misconceived if they came to an opposite conclusion. It might be right to appoint such a commission as his hon. friend moved for; but the present, in his opinion, was not a proper moment for such a proceeding. When his hon. friend spoke of the enormous expense incurred by the military force, and by the number of barracks in Ireland, what answer did he (Mr. Hutchinson), as an Irishman, give to him? It was by retorting on his hon. friend, and on the British nation, that abominable system of misgovernment which had been pursued for centuries by this country towards Ireland—a system which had converted Ireland into one great barrack. It was true, there had been, and there was, a profuse expenditure alike injurious to Ireland and disgraceful to this country; but the government of England was to blame for it. He felt most deeply the miseries under which Ireland now suffered: and, if his voice could reach that country, he would exhort every portion of his countrymen to bear their fate with patience, and not to let feelings of anger hurry them to a breach of the laws, which would only add to their miseries.

Sir George Hill said, that officially connected with Ireland as he had the honour to be, it might be expected that he should express an opinion on the present important proposition; the House would therefore, perhaps, indulge him with their attention for a very few minutes. He did not intend to enter into any abstract reasoning on the necessity of having a lieutenant of Ireland, nor to prove that under all circumstances, at all times, that country should have a lieutenant established. He wished to show that his conviction was

executive authority dispensable for its peace, attracted by party as it was, the constant danger to its impartial vigour, and to its tranquillity. It was eminently possible, and he had his co-operation, as a person connected with Ireland, to his personal allegiance to him, and to his manifestations of power, and exertion of his influence, the lord lieutenant himself, which could not be done by any secretary of state; but he had, at this particular moment, to use his diligence, the project of a regenerated Roman assembly for the purpose of bearding his authority, yet call for a prompt secretary residing at the critical moment of execution.—While he argued, that the misgovernment was what they termed “the sure his power was directed against w (ious) he felt confident by the proceeding agitators who threatened the worst calamity to men who were so by an executive government at their very door of commanding authority at a moment's warning military powers and dangers might not these men, if they be dealt with by office in Whitehall the present state of its metropolis out further reason nounce that the land could not be abolished.

Mr. Hume said that in submitting to the House he had no objection of t



period, the anxiety of the people for those benefits was remarkable. Generally speaking, the legislature was too much in a hurry, however, to reap the fruits before the soil had been properly cultured; and he could not help expressing his wish, that before any particular tenets were endeavoured to be taught the poor, their minds should be first properly prepared to receive and understand them. The right hon. baronet then alluded to the establishment of diocesan schools in Ireland, as projected by a statute passed the 10th of July 1813, in conformity with the report of some commissioners who had been appointed to inquire into all matters connected with this subject. To prove how necessary inquiry into the matter was, he would refer the House to the returns of diocesan schools lately laid before them. From the dioceses of Killaloe, Meath, and others, and the archbishoprics of Armagh and Tuam, no return at all had been forwarded. These returns, however, were in fact, almost entirely unintelligible. In the archbishoprick of Tuam, where there were twenty-four benefices, only six had schools; and of these, three were entirely supported by the clergy. In the diocese of Cloyne, fifty-eight benefices were returned; and of these, only twenty had schools. In an account lately published, it appeared that the value of the benefices in the diocese of Cloyne was 40,000*l.* a-year; and this was confirmed by the statement of Mr. Bates, in the first volume of his parochial survey. In the diocese of Elphin there was a considerable number of diocesan schools; but those were maintained by the London Hibernian Society. There was one case, however, in which a Protestant school had been kept up in a manner so disinterested and honourable, that the House would willingly pardon him, if he mentioned one or two particulars. In the parish of Archol, in the diocese of Ferns, a return had been made, highly creditable to the clergyman of the place, Mr. Mahon, who had built one of two school-houses at his sole and entire expense. The right hon. baronet concluded by stating, that he thought the only proper system of education to be pursued there, was one which, by the exclusion of any set formula or catechism, should induce the children of Roman Catholic and of Protestant parents, indifferently, to participate in the advantages of religious instruction. The bible might there be put into the hands of

children with such had lately seen; go particular passages; but which were ex view to the establish particular dogma was, to extend to Ir most useful way, a cation for the people fore take the liberty this House, deeply serious responsibility ment of promoting means, the general people, will, at the co ensuing session, ente accurate inquiry into tion in Ireland, and tending its essential body of the commu distinction, as well funds available w destined to this gre private munificence statutory or other p other restriction o as the will of the of parliament, may

Mr. Goulburn th pedient thing in go in the present ca enter into pledges what it would do i ed also to this sp interference with t parochial establish he concur in the p Roman Catholic ar on one and the making them sens the right hon. baro between their res while he was oppo was friendly to inq

Mr. S. Rice cc was clearly called satisfaction at the hon. gentleman, t tion on these topics

Sir J. Newport drew his resolutio was to ascertain t right hon. gentlen being completely o

The motion was

LARCENIES (BE BILL.] On the th Sir J. Mackintos amendment. He c



1245]

*Appellate Jurisdiction.*

JUNE

taken the earliest opportunity of expressing his objection to the amelioration of the criminal laws proposed by the government this session; because he thought it inadequate to the pledge which parliament had given last session, and did not go far enough to satisfy the wishes of the public. The object of his amendment was, not to effect a more extensive reformation of the criminal laws than was proposed by the bill, but merely to make the bill do what it professed to do in its preamble; namely, to take away the capital punishment in certain cases which were specified. The House was aware that many bills had been introduced to repeal the act of the 10th of William, which made shop-lifting to the amount of 5s. a capital offence. Several of those bills had passed the House of Commons, but had always been thrown out in the Lords, except in the last instance, in 1821, when the peers amended the bill, by declaring, that shoplifting, unless to the amount of 15l. should not be a capital offence. Since the passing of the act of 1821, the judges had held, that stealing in a shop attached to a dwelling-house to the amount of 40s., was a capital offence, under the statute of the 12th of Anne. This judicial construction completely defeated the intention of the act of 1821. The object of his amendment, therefore, was only to carry into effect that act. For that purpose he moved, that after the words "privately stealing goods or chattels in any shop, warehouse, coach-house, or stable," be added the words "although such shop, warehouse, coach-house, or stable, shall be attached to, and form, part of a dwelling-house."

The *Attorney General* opposed the amendment. The object of the bill before the House was merely to carry into effect what had been proposed by his hon. and learned friend himself; namely, to repeal the act of William, but to leave that of Anne untouched. He could see no reason why privately stealing in a shop, which formed a material parcel of a dwelling-house, should not be considered as great a crime as stealing in any other part of the House.

Mr. J. Williams was of opinion, that the intention of the act of 1821 would be defeated, unless his learned friend's amendment were carried.

The *Solicitor General* opposed the amendment, and Mr. F. Buxton and Mr. G. Lamb supported it.

Mr. P. defended, 1 the House for d ment of had ever o

The Ho an ment 19. a then passed.

*List of*

Abercromby, hon. .  
Banks, Henry  
Evans, J.  
Hobhouse, J. C.  
Knight, R.  
Lamb, hon. G.  
Leader, W.  
Lennard, B.  
Martin, R.  
Mackintosh, sir J.  
Monck, J. B.

HOUSE

*Thur*

APPELLATE  
Earl of Liverpool  
order of the day  
ation the report  
Appellate Juried  
his intention to  
bring in a bill wh  
founded on the  
which might be  
printed, and tl  
consideration. an  
under their cons  
of facilitating th  
tice in that H  
resolved to sit  
during the sessi  
hearing appeals.  
their lon  
the difficult  
the courts, i  
proach  
adl  
But, on lo  
table, it appear  
been able (if he  
sion) to overtak  
grievance was a  
1813. The nol  
the report of the  
sent state of the  
appeared, that  
were annually b  
and from Scotla  
this numerical e  
time which the  
was much great

other part of the kingdom. The state of the case was this—whatever might be the occasion of it, the whole of the grievance was the appellate jurisdiction from Scotland. If they came only in proportion to the judicial business from other parts of the empire, the business in that House could easily be kept within proper bounds, and the effect would be very great in the other courts, particularly in the court of Chancery, from which the distinguished individual who presided in that court was withdrawn, to attend to the duties which grew out of these appeals. The first question which naturally presented itself to every mind, was this—would it be possible to remove the appellate jurisdiction of Scotch causes? If that were practicable, and conceived to be advisable, it would at once remove all the difficulties which they now laboured under. And he had no hesitation in stating his opinion (not meaning to say that it was the opinion of the committee), that with respect to removing the appeals from Scotland, he saw no objection to the principle, but very strong and forcible reasons in favour of it. [Hear, hear.] What were the cases in which the House was called upon to decide in the dernier resort? They were called upon to decide on the law, of which as English lawyers they knew nothing; the Scotch law being as different from the law of England as that of any foreign country. He knew that his noble and learned friend on the woolsack, with the accumulated experience of thirty years, had administered that law as much to the satisfaction of the people of Scotland, as he did that branch of the English law to the satisfaction of the people of England. But, with the exception of his noble and learned friend, and another noble and learned lord not now present (lord Redesdale), and two or three individuals at the bar who had made it their peculiar study, the whole of the bar and the bench of judges were entirely unacquainted with the law of Scotland. Looking then, at this, he would say, that the most simple remedy would be, to relieve the House from the Scotch appeals; and appoint a special jurisdiction for the purpose. He was fully aware of the difficulties which would stand in the way of such a measure; and on the score of public opinion (so far as the committee could collect) it appeared, that the opinion of the people of Scotland leaned very strongly to

the appeals to the House; and therefore it might be thought that they would look with diffidence at any suggestion. But there were persons still more powerful, who were of opinion that the House should be removed, and that they could adopt any measure they were sure, they must get. It would consequently require a considerable length of time, before they could adopt any such measure as the committee had, there were no remedies. The great objection resulted from the simple fact, that the precision in our proceedings in the House of Lords in the hearing of appeals; and it was a complete revision of the form of proceedings instead of being as it now is, it should be by oral argument, it would simplify the proceedings, and the same advantage was felt in this court. It might be done in this House, but it might not be done; but there was no objection to a trial of the principle. If the committee had suggested the appointment of a commission to inquire thoroughly to investigate the merits of the cases from whom a report was expected; at least, by the adoption of such a measure, it could do no harm. He thought appeals to be dispensed with (and nothing proposed till they were got rid of). It would be in possession of that period a position, therefore, to submit to the House the appointment of a commission to inquire into the merits of the cases to the inquiry alluded to. He carried the question of the existing law with the existing law, and he could do away with the law prospectively, he could send the arrears to the law. As far, therefore, as the House must do away or the other. He was ready made the days in the week, and the justice of the administration elsewhere. He saw, therefore, increasing the number of the cases which the House was called upon to hear appeals; and he was to extend it to six



Chancery to their lordships, and very probably in greater number, when the same individual did not preside in both. Therefore he contended, that this mode, if unobjectionable in other points of view, would be insufficient to relieve their lordships from the present inconvenience; and, upon the best consideration which he could give the subject, having turned it over in his mind for some time back, he did not see any mode by which they could relieve themselves from their present difficulty, unless, indeed, they withdrew the appellate jurisdiction of Scotch cases altogether, and even then the relief would not extend to the cases which had been already entered for their lordships' decision. He had thus given their lordships a general outline of the intended measure. He would now move, that the bill which had been prepared for this subject be read a first time.

The Earl of *Carnarvon* said, he could not remain silent after the extraordinary proposition which he had just heard from the noble earl opposite. It was not necessary for him to go at that moment into an inquiry into the causes of this vast accumulation of business before their lordships. He admitted that whatever was the cause, the accumulation was a great evil; but when he looked to the extraordinary remedy proposed, he would ask, whether the evil would be half so inconvenient as this extraordinary remedy—a remedy which consisted in the establishment of a tribunal, such as had never before been heard of in their lordships' house. He admitted that the great number of appeals was an inconvenience; but it was an inconvenience which could not be avoided. It was incidental to their lordships' situation, as the highest court of judicature.—The noble lord then contended against the appointment of a Speaker in their lordships' house, who was not a peer. It was stated, that part of the new plan for the hearing of Scotch appeals was, that three peers should sit in turn, presided by the new Speaker. Now, to this he had the strongest objection. It would, he maintained, be derogating from their lordships' dignity, and attended with inconvenience to the suitors. Three peers were to sit one day, and be succeeded by three others on the next. He would suppose an appeal commenced on one day; a part of it would be heard by the three peers who sat on that day; the next day three

others of their lordships would hear its continuation, a word of the appeal would have to be heard in each case on the ensuing day, and the peers who might have heard the whole had been gone to give judgment, on an important matter, of which they had not heard the concluding part. It was possible that strict justice might be done by such a mode of administering justice; then it might be said that the individual to file an appeal should be acquainted with the circumstances of the case, but he, not being a peer, would give his opinion, at the decision; and then, what was the result?—that the decision would be given by their lordships, but the appellant had not heard the case. If the proceeding would, he considered it unsatisfactory to the appellant, and derogatory from their lordships, as constituting the house a tribunal. It was said, that the lords were to be divided into three lordships to these he was opposed. He considered it compulsory. He could not see the force of that principle, if it was not obliged to hear the case. He could not understand why the lords were to hear the case, if other lords were to hear the case. If they had not heard the case, he would propose a new plan, three of the lords to be brought into the house, three parts of the king's duties, to act a part of the duties, farce that ever was heard of. He had not heard the very substance of this proposition when the noble earl at the government, he should have thought it was intended to be intended to their lordships' private affairs before considered, it would be more unjust to resort to this new plan, if they had left them for other tribunals in their own part, nothing would induce him to be proceeding.

The Earl of *Roxburgh* said, he was a member of the committee, and was before their lordships on the recommendation of the committee. He admitted, he could not

had fallen from his noble friend. He maintained, that the proposition now before their lordships was in perfect accordance with their practice heretofore. Supposing the lord chancellor to be absent, was it not the practice to have a deputy Speaker, who generally was not a peer of parliament? Or, suppose the king were to exercise his prerogative, and place a commoner on the woolsack, as lord keeper, would it be said that their lordships' privileges were thereby annihilated? Their lordships had seen the law administered, and well administered, by commoners who sat *pro tempore*, on the woolsack, and who had been called upon by their lordships to give their opinion. There were also cases in which the opinions of learned lords had been set aside by the opinions of peers, whose attention had not been so much given to the study of the law. He would contend that the House would not, by the proposed plan, be in a different situation from that in which they were already placed, with respect to the presidency of a lord keeper, or a deputy Speaker, except that noble lords would have to attend by compulsion, and in rotation; and that, he thought, would be better than leaving it open to noble lords to attend at the solicitation of parties concerned. He contended, that the plan was in perfect accordance with the recognized practice of their lordships; and that, if they declared themselves incompetent to this appellate jurisdiction, there were none of their duties to which they might not make the same objection.

The bill was read a first time.

## HOUSE OF COMMONS.

Thursday, June 26.

PETITION OF GEORGE ROWAN—COMPLAINT AGAINST A MEMBER.] Mr. Brougham presented a petition, which had been sent to him from Ireland by an individual of the name of George Rowan, of whom he had no knowledge, nor of the facts which he stated in his petition. He had a painful duty to perform in presenting this petition, inasmuch as it reflected upon the conduct and character of a member of the House. He should therefore do nothing more than move, that this petition be brought up.

The petition was accordingly brought up, and read:—It stated, that the petitioner had been dismissed from a

situation which he means of a conspiracy formed against him and others; that W. M. Twiss pointed to the situation which the petitioner had filled, colonel Crosbie, in consequence of accounts, W. M. Twiss from it, and that he was appointed to it, though the time for debt in at Dublin, and was the Insolvent Debtors' Commissioner. Colonel Crosbie of £1,000. to secure the debt of Mr. Twiss, and also receiving, on several occasions, money for the patronage of the office.

On the motion, that the petition be laid on the table,

Colonel Crosbie addressed the House in a low tone of voice. He said that Mr. Twiss, who had obtained, through the appointment of collector, that it was false that he had received any sum of money, and he wisely denied, in the most qualified manner, that he had received a farthing for the office. He said that he had got his nephew to say, that the petitioner had brought forward a false and unfounded statement, and he adopted every means in his power to make redress, and he put it publicly forward.

Mr. Croker said, that he agreed, he could corroborate the statement of the hon. gentleman. Mr. Twiss, who had come acquainted with him in Ireland, had recently and had applied for his services in covering the situation which had been removed. He said that he would make inquiries in Ireland, and, if the statement was satisfactory, would have it put in his report. He said that the inquiries were not satisfactory; and he said that Mr. Twiss was in a very bad situation. Mr. Twiss begged pardon from colonel Crosbie, and he said, that he had no right to add, that the slightest communication from colonel Crosbie on this subject.



Mr. Wynn asked, whether it was right that a petition should be laid on the table, which charged a member of the House with an offence for which he was indictable in a court of law. If such a petition were suffered to lie on the table, the House must, for its own credit, as well as for that of the hon. member accused, enter into an investigation of the charges it contained. As the ordinary tribunals of the country were competent to entertain the accusations of the petitioner, he thought that there was no occasion for the House to take them up. He therefore suggested to his hon. and learned friend to withdraw the petition.

Mr. Brougham said, that after the distinct, unequivocal, and unreserved manner, in which the charge had been denied by the hon. member opposite, he was bound by every principle of justice and humanity to believe that the allegations in the petition could not be sustained, and he could have no hesitation in withdrawing the petition, as it would be open to the petitioner, if he still persisted in the charge, to renew his petition in the next session. In the mean time, an opportunity would be afforded the petitioner of considering the serious responsibility he incurred, if he brought a false charge against a member of that House, and the punishment which would, in that case, await him for a breach of the privileges of parliament.

The petition was then withdrawn.

ADMINISTRATION OF THE LAW IN IRELAND.] Mr. Brougham, having moved, that the petition which he yesterday presented from the Roman Catholics of Ireland, complaining of the Inequality in the Administration of the Law, be entered as read, said, that he had never risen to address the House under feelings of greater anxiety. When he recollected the vast talent, on both sides of the House, which had been employed at various periods on topics connected with the subject of the petition, and the multitude of persons in Ireland earnestly looking at the result of this discussion—when he considered even the strength of the case committed to his charge; and, more than all, the present state of the sister kingdom, it might well be supposed that he felt somewhat overawed at the task he had undertaken. The petitioners themselves had rendered the duty incalculably more difficult; for, whereas, when the Catholic question was discussed, the affairs

of Ireland, and the vicious scheme of policy which had been constant in its operation, had been handled, but every different form of the evil must be shaped by talent, whereas the great object was to supply an answer to the question, "What is the practical system?"—to solve the question, "do the penal laws operate merely upon individuals from the higher offices upon all classes, from the lowest;" and whereas the very title of the grievance, complaining of the administration of the law, who of all others was best informed, to give a solution, to stop the evil, by showing that the law was equally administered in detail—the petitioners acquainted with the matter, and deeply feeling the grievance they laboured, and by the experience of the present system, had furnished all statement of particulars, and refined themselves into mere allegations. He made no complaint, certainly not on behalf of the petitioners, but on behalf, because the court, as it were, had failed to answer all objections furnished by them, and so. He was thus reduced to two alternatives—either a hopeless task of going to ground repeatedly against men; or he must admit that there was yet more hope in the defect in the case than to his hands.

He took the cause to be this—the petitioners had lost the credit for the present state of Ireland, that the House knew—that it was not might be proved at justice was not equal to all classes in Ireland entered a court of (for in this country courts of justice) treated with the same

law, thank God, was administered equally to both. But the petitioners, feeling, and well knowing the existence of the melancholy facts on which they relied, no more thought of introducing them into their statement, than any petitioner in this kingdom would take upon himself to explain and expound the excellence of our own judicial system. A petitioner in this country would never dream of telling the House, that juries were not packed; that judges were decorous, and never sacrificed the rights of parties to a ribald joke; that chancellors held even the balance of justice between Protestants and Catholics, episcopalians and dissenters; that here the keeper of the great seal would never think of striking a gentleman out of the commission of the peace, because he was a sectary, as had been done in Ireland—the keeper of the great seal there, admitting that in so doing he had been guilty of an act of gross injustice, yet eight years afterwards repeating it. In England, in administering the law to a creditor against his debtor, we should never think of inquiring, whether he was or was not able to bribe an under-sheriff. In England, the king's writ ran into all parts of the country. Here there was no detached corner, no land of Goshen, where some little tyrant dared to raise his flag in defiance to the orders of his liege lord. Our courts were open to the poorest suppliant; and however humble or unprotected, he had an equal chance with his titled adversary; nay, though he even were addicted to sectarian opinions, instead of paying his devotions in a cathedral. The petitioners were in themselves a most important class, and they represented many thousands; for the petition would have been signed by tens of thousands, had a few more days been allowed. The signatures already obtained were from persons of commanding influence, who spoke the sense of six millions of his majesty's subjects, who were strongly persuaded, that the law in Ireland was not as it was in England—that he would be guilty, not of extravagant flattery, merely, but of intolerable mockery, of gross and ridiculous irony, who should attempt to compare the two. They felt that the law was not equally administered to all classes in point of rank; and that it was still more unequal, and still less fair and impartial, in the manner in which it was dealt out among the adherents of conflicting religious sects. From the fulness of the

evidence they possessed the evidence of the facts which they had omitted the insinuating the House credence of which it was ignorance was, that the was sorry to say, the land, had suppressed facts. In the intensity they had lost, as it language of remonstrance recourse rather to exclamation and those exclamations, in some instances aggression: for excluded were the forerunners often at too short hear]. Forerunners, not to say; for while these outrages were impossible for any man acquainted with these to be aware that he (of any thing but excluded took upon himself to a thirty years, Ireland more alarming state. instance, did the Re petitioners complain? They were in themselves unequal inequality was aggravated dental circumstance, sarily, but naturally, inequality of the law grossly partial administration, a mere representation by a large body of it was a sufficient *prima facie* demanded inquiry, and that alone ought to be parliament to lend favourable ear. But left to this, even in detail on the part of it was only needful to call that law which, though naturally led to an unequal in order to persuade a as men maintained the which created an inequality sects could not be equal. The law at present separates subjects into two classes who ought to be as the same paternal government. England viewed the subjects as brothers, and the king parent; but the law of language widely different man against man, sect

employed religious tenets on the one hand to foment (if it were not to profane the word) religious animosities on the other. The law of England esteemed all men equal. It was sufficient to be born within the king's allegiance, to be entitled to all the rights the loftiest subject of the land enjoyed. None were disqualified by it; and the only distinction was between natural born subjects and aliens. Such, indeed, was the liberality of our system in times which we called barbarous, but from which, in these enlightened days, it might be well to take a hint, that if a man were even an alien born, he was not deprived of the protection of the law. In Ireland, however, the law held a directly opposite doctrine. The sect to which a man belonged—the cast of his religious opinions—the form in which he worshipped his Creator—were the grounds on which the law separated him from his fellows, and banned him to the endurance of a system of the most cruel injustice. Not only this, but on the very same grounds, and with, if possible, less right—with, if possible, more impolicy—and with, if possible, greater cruelty, it leagued him against all who held opposite notions, as essentially and as implacably, as his enemies were combined against him. He would admit, that great and salutary alterations had taken place. Since the year 1778, but more especially since 1793, important improvements in the code had been effected. The odious distinctions had been, in a great degree, mitigated. What remained was nothing in comparison with what had been taken away. Enough, indeed, was left to make an absurd and ridiculous difference—absurd and ridiculous when viewed by the eye of the philosopher, but melancholy and degrading when contemplated with the eye of the politician. Enough was left for offence and insult, while nothing was accomplished for happiness and security. The right hon. the secretary for foreign affairs, who had so ably, on a former occasion, and before he accepted office, advocated the cause of the Roman Catholics, had well referred to the mark which the fetters, though removed, had left behind them, and to the system of extirpation which a ferocious tyrant of a former age was about to carry into effect. That system would have had, at least, more consistency in it than the one which this country had pursued towards Ireland. *Chains had no sense and consistency, and*

true it was, that the chains had been removed; but the degradation and the insult remained, as long as a link was left, to remind the sufferer of his miserable bondage. But, if the advice of the right hon. gentleman had been followed, and if the last link had been knocked off, still he (Mr. B.) should say, that as long as the gall of the fetter, the mark it inflicted, continued visible, justice could not be impartially administered; because one class was thereby improperly stigmatized; the eyes of judges, witnesses, and jurors would still detect the mark, and as long as human infirmity existed, impartial justice could not be done. Why, then, had the wound, aggravated by the impatience of the prisoner, been allowed to rankle, when it was in the power of the legislature in one moment to heal it for ever? It was powerless as a security, and infinitely prejudicial as a distinction; and as long as that hideous, that odious distinction was preserved, so long would Ireland continue the scene of discontent and aggression [Hear]. One principle at this moment influenced judges, jurors, magistrates, and almost every witness—the English, the humane, the equitable principle, not invented in a dark age, nor imported from a barbarous country—not even adopted in this our day of imitative admiration, from the holy alliance, and supported by their legions of cossacks; but invented in England, and adopted by a body calling itself the English parliament. It originated in the enlightened policy of this enlightened country in this enlightened age. It remained for the nineteenth century to see the doctrine fully established—that the law in Ireland is a respecter of persons—that it prefers one sect to another—that it will not allow men to worship God according to their consciences, or if they do they must do it at the signal peril of forfeiting all claim to the protection of the law.

The first ground he submitted was, that the petition came from those who both actually and virtually represent the whole body of the Roman Catholics. His second ground was, that they had just reason to complain, and that as long as the odious distinction he had noticed remained, justice could not, in the nature of man, be equally distributed. But he thought that he should leave the case incomplete if he did not go somewhat into details, though he would not trouble the House with more than was absolutely

necessary, intending rather to give specimens than to enter into any elaborate and systematic examination of the subject, to which he professed himself incompetent. It was fit, however, to mention a few facts which he should be prepared to prove at the bar, should the House adopt the proposition with which he intended to conclude. In all he should now offer, the House was to consider that he was, in truth, tendering evidence; and he should scrupulously abstain from every thing which could not, as he was satisfied, be substantiated by legal testimony, either of witnesses or of records. When the subject was so extensive, it was of little importance where he began; but he would commence with one of the most material parts of it—the state of the magistracy in Ireland, by whose local jurisdictions justice ought, in fact, to be brought home as it were, to every man's door. It was in vain to deny that in England abuses had, from time to time, crept into this branch of the administration of justice; but various salutary acts had been passed on the one hand to protect magistrates acting bona fide, and on the other, to guard the king's subjects from malversation, and misuse of power, sometimes purely discretionary. It was by no means a matter of frequent complaint in this country, that improper individuals were included in the magistracy. In England, a rule had been laid down by the keeper of the great seal (indeed he had seen it stated under the hand of the present lord Chancellor), that they never would strike a person out of the commission, whatever private charges might be brought against him, unless he had been brought to trial, and convicted by the verdict of a jury. He had known an instance of a magistrate several times accused of perjury, with complaints against him by a vast majority of his fellows in the commission, whom the lord Chancellor peremptorily refused to oust, because he had been tried and acquitted. He recollected another case in Durham, about ten years ago, where the bishop, as *custos rotulorum*, had been obliged to reinstate a certain magistrate because, though accused, he had not been brought to trial. He did not mean that this rule was applicable to Ireland. A much greater latitude of discretion was required there. Not only the present, but former chancellors, lord Redesdale and the late Mr. Ponsonby, had agreed upon this point. Upon that, indeed,

he (Mr. B.) founded himself because, if a principle in England, the proposition was disputed, was it necessary that by as common as allowed that it was in it to Ireland? This thousand matters of a particular facts, a man mistaken; but here he could not deceive—a man invariably on one side met by a diametrically on the other; and they only arise from the fact which justice was concerned was of much happier Ireland. But he was particular facts and authorities just call the attention to a few instances out of a late lord Gosford, governor of Armagh, on a man had said, that "justice to disappear, and the magistracy to become of conversation in every kingdom." Before he he would just mention "Supineness" would he should read, and understood as a delicate a disinclination to suit ninety-nine cases out of Orange violence against [Hear, hear!] The last certainly a party man truest, and most honorable formed what he justly important duties of party members on the opposition his authority was the more because he had undeviating strictest accuracy in little liable to the man carried away by enthusiasm of singular candor deration; and from his public life to the close career, had given moderation, of his example, of his gentleness on one occasion, that "trifled with the notion it sent him to a grand added, that "the suitability of the magistracy occasion of his suffering Mr. Ponsonby, who of lord Chancellor is

therefore so competent to judge on the question, looking back to the time when he had held the great seal, had said with becoming reserve, that "The magistrates too often had been anything but what they ought to have been." Mr. Justice Day, in an address to the grand jury, had charged them with "negligence, corruption, and partiality," and the late lord Kingston complained of some men as "a disgrace to the magistracy, deserving rather to be hanged than to be included in the commission." The charge of Judge Fletcher, in the year 1814, was well known. It was an able and elaborate production, and next to delivering no political charge at all, the greatest merit was, to deliver one so sound in its doctrines that they were liable to no exception. Talking of the Orange societies, he said, that "they poisoned the very fountains of justice," and that "even some magistrates, under their influence, had, in too many instances, violated their duty and their oaths." Thence he proceeded to say, that such associations were most pernicious, whether consisting of Orange or Ribbon men, and adding, that under their influence petty juries had declined to do their duty: it was sufficient to say such a man displayed such a colour, to produce an utter disbelief of his testimony; and when another has stood with his hand at the bar, the display of his party badge has mitigated the murder into manslaughter. These sentiments, coming from a man discharging judicial duties, were of the highest importance. Thence he proceeded to condemn all those associations bound together by unlawful oaths, remarking, "with these Orange associations I connect all commemorations and processions producing embittering recollections and inflicting wounds upon the feelings of others. I do emphatically state it as my settled opinion, that until those associations are put down, and the arms taken from their hands, in vain will the north of Ireland express tranquillity or peace." The learned judge went on to censure the unlawful oaths (such as had been treated with so much respect in this House on a recent occasion) taken by the members of the associations; and of the magistrates, he said, that "some were over zealous, and some, on the contrary, were supine," and he complained that "jobbers of absentees" and "traders in false loyalty," among others, were too often put into the commission. It is years

afterwards, the same does not appear to have been amended in the one of his last charges that the conduct of the magistracy ultimately drive them to it. A great deal had been expected respecting a reform of the peace of the counties had undertaken. If the scheme had the same honest intention for improvement undertaken, much might have been the result; but if I am rightly informed, I had been the consequence of having been treated with more than of substance (and to this point I allude at the bar) magistrates had been a number looked as if a radical change had taken place. In truth, the vast majority consisted of absentee militia, officers, &c. from age, sickness, &c. How many did I find in the whole 152, had been for reasons such as these? The charge was originally moved in one county. Only fourteen. I moved in one county fifteen; all of which were for the various [Mr. Goulburn to what county transferred?] The and since the question would just add, that for being sick, or English militia officer, was not so was continued in hear! In the line, major Sirr and he (Mr. B.) ground to complete the commission. people of Ireland cised all the national last rebellion. I lord Chancellor ought to be ins vertheless, he was head of the police had told the House there daily and the magistrates.



lin itself, a jury of his country had given a verdict against him, for one of the grossest and foulest oppressions—so gross and foul, that the oldest practitioner of our courts could find no parallel. The charge included in it the most base and perfidious fraud; for to eke out the measure of his injustice, and to overwhelm his victim, it was proved at the trial, that an order had been fabricated, the fabrication of which was vouched by his friend, his accomplice, his tool; the very man, in short, who had perpetrated the instrument. It was to that man that the victim had been delivered—to major Sandys; and when Mr. Curran exclaimed, “There sits major Sandys; if my witnesses deceive you, let major Sirr put his friend, and associate in cruelty, in the box to deny it if he can,” major Sirr dared not do it; and all who had ears to hear, or eyes to see, were convinced, with the jury, that major Sirr stood self-convicted. Still he had been kept in his office—still he was employed; and two and twenty years afterwards, when he had grown grey in the service, he had been heard to declare at the bar of the House, “I am still on the bench of justice!” Look at the effect of these arrangements in the commitments in Ireland—commitments made and signed by such magistrates as he had described! Melancholy to relate, there were more commitments in Ireland, taking the average of the last four years, than in England and Wales together. But how did the average stand, as to the number of convictions? Why, in those countries where law and justice were equally administered, in England and Wales, there had been 43,000 commitments and 29,000 convictions; but in Ireland, with a list of commitments exceeding 45,000, the number of convictions had not exceeded 16,000. To the recorded opinions of men of talent and experience, to facts in proof before the House, an argument still more powerful, to these evidences in favour of the proposition which he was supporting, he would add the memorable declaration of lord Redesdale in the House of Peers—a declaration which admitted the utmost point he could contend for. What had lord Redesdale, once the high Chancellor of Ireland, said of the state of the administration of justice in that country? Lord Redesdale was not a man incautiously liberal of opinion. He was not likely to be the friend of

hasty innovation suspected for complaints.

who would shew singularities in main, he appears only speak of growing so enormous as to continue to be and so impudently but from open could be expected them. And possible lurking opinion of lord in July last, Ireland?

“I have been that ill-fated years; and I exists in it to for the rich, the equally ill-advised the effect of upon the mind (an English fact, standing of deep consequence bound by it, proceed in should be such had suffered Ireland, that he had become complaint with communication with that which, some have become people of Ireland few examples lord’s declaration and beyond that the fact dale had stated

In a country of trials injuries were slight import the counties elected by the (these corporations full of prejudice to Papists against them bigotry by parishes towns, the speaker was himself to select and present about to enter



lightened, and, from their situations, more open to be influenced. To say the least of this practice, it was improper, indecent, and such a practice as in England could not be tolerated for an hour.—But this point became insignificant, when compared with that which he should next bring forward. He had already said, that the king's writ did not run equally through Ireland. Of this fact—that it did not reach equally to all classes of persons, he was ready to give evidence at the bar. He could show, that where a man had money for the purpose, he regularly bribed the sub-sheriff, as soon as that officer came into place, and agreed to pay him all fees upon writs out against him for debt, as though such writs were formally served, provided the sheriff would give him timely notice of the issuing of such writs; no doubt, that he might be enabled at once to appear and do justice to his creditor! To the poor man, of course, this indulgence did not extend: he was taken with all the rigour of the law, and full justice was executed upon him. He (Mr. B.) said, that he could prove this at the bar; but, in fact, it had been proved within the last three days, before a committee above stairs. He would read a note to the House of the evidence upon the subject; and he could venture to say, that but for the painful truths which it established, the document would be amusing. It was an attorney of respectability who now spoke, giving his evidence on the 23d of the present month. Question. "Do you regard the difficulty of obtaining money in Ireland after judgment, as one of the obstacles to English capital being carried to that country?" Answer, "Certainly I do; and it is one of the greatest evils we have to contend with." Question. "How does it arise?" Answer. "In the management of the office of Sheriff—there is no such thing as executing a writ as you do it in England. I mean to confine this to executing it upon persons having the rank and means of gentlemen, and the city of Dublin and the county of Cork are exceptions to the rule. In other places it is the habit, upon the appointment of a sub-sheriff, that he gets notice that he will be paid his fees upon writs delivered, if he gives notice to the party that the writ is about to issue." Question. "Does this practice prevail generally?" Answer. "I understand it to prevail every where except in Cork county and Dublin

city; but I dare say in Cork where an arrangement was made with the sheriff and a committee to undeavour to prevent this practice prevailing against debtors?" Answer. "The sheriff, not being of the committee, does not share in it, [a laugh.] Why you say this in the House; but it is a fact that the creditors of Ireland must just look what this will produce. A man might have his English funds, or in the law did not reach in Ireland in the same magnificence; a hue and cry might be put out against his person, and he could bribe the sheriff in time, he might be able to suffer him to starve. This is the point which he was quoting. It asserted, that the fact was, that he had already given certain assertions upon these terms. For instance, you mean to say, that the practice for the high and another for the low? "Yes." This was proved. "Stricter in the one case than in the other." Answer. "Certainly. Lord Redesdale had said, 'There is a difference between the high and another for the poor man executed?' The evidence of the man of practical knowledge bore out, to the ver- dict of Lord Redesdale had a

It was to be hoped that the law which were here detailed did not reach to the same extent as the administration of justice. It was fit to remember, that as long as these disabilities existed, so long as the question before the House and Protestant must be considered, of the Protestant establishment in despite of individuality, all rank at the time was attendant upon it with the court and society—all this must be considered a class, and to a class was given for favours in future, the favoured class still chosen. It was the same in the summoning, by his clerk, and when it stood before the sheriff might be hired

that it was every day's practice for a sub-sheriff to be bribed for permitting the debtor to escape from his creditor, was it unfair to insinuate, that possibly a Protestant sub-sheriff might be found, as accessible to political prejudices, or feelings of religious conformity, as to the meaner motive of a paltry present advantage arising from a bribe in the shape of ready money? With respect to the bench of Ireland, he had little to say. Different countries had different usages; and circumstances might happen, as matters of course, in one, which might be held highly indecent and reprehensible in another. He should, however, freely avail himself of his privilege as a member of parliament, to express his disapprobation of any judge's conduct, when he considered that conduct to be unbecoming his situation. If a judge was bound at all times to maintain the dignity of his high office—if impartiality was the essence of the performance of judicial duty, and without which no judge could be worthy of the name;—surely, any mixture in party dissensions, any partisanship in religious or in political disputes, anything like entering into the detail of class differences and arrangements, anything approaching, however distantly, to becoming the tool of a particular faction, would be that sort of stain from which, above all others, the ermine ought most immediately to be cleared. For, first, such interference touched a judge's dignity; secondly, it rendered his impartiality suspicious; and thirdly, it went to shake that respect which was due to every just and dignified magistrate—that respect, which if any magistrate forfeited by his misconduct, the sooner he vacated his office the better; the sooner that balance was seized from him which he could no longer be expected to hold fairly—the sooner he dropped that sword which none would give him credit for wielding usefully, when once he had rendered it impossible for the public to view him with respect, he could not too soon lay down an authority the mere insignia of which was entitled to veneration. He considered lord Norbury, whom he named in right of his privilege as a member of parliament—that privilege which entitled him to speak his opinion of judges as freely and unreservedly as of sheriffs or sub-sheriffs, upon the meanest of his rank. No just judge ought, such a proceeding.

found just long after he proceeded was abolish England were just, but to perpetrate injustice; were men, they would do injustice the moment they had it was lost had elapsed since he wrote the House a letter addressed to the late attorney-general lord Norbury, the chief of Common Pleas in England, containing such a proposal as who sat in England was intimate, his dearest friend to him. He would not write if a letter like that was speaking, had reached the learned judges of England from any individual more sudden, than he had been the flash of a person's indignation against a near friend, than he would have been harder, than he would have ceased from that moment. It had elapsed since the letter had been brought forward, he had not denied it, he produced his answer, it had been the answer to such a letter? “In that position; you know you have dared to say that lord Norbury had given him no answer, he produced none. He said that the answer had been assent; but certainly not an answer as would be given to such a proposal in England and Ireland too. It had been made acquiescent. God! Let the House call upon the letter called upon him. To job—to intrigue—to poses, upon his ermine upon his robe of justice in his hands by the first law-officer to prostitute the authority gave him to the faction [Much clapping]—“it is the custom honoured in the administration—“it is

it to re  
the pr  
the pr  
the pr

with an opportunity of doing good to "the cause." It appeared that he was in the habit of talking thus to the gentlemen of Philipstown: and, if he could impress upon them the consequences of granting the Catholic Emancipation, they would certainly elect Catholic members of parliament—a consequence, by the way, most absurdly predicted; for there was scarcely a man in England could believe that, if Catholic Emancipation were granted on the instant, all the Irish members returned would be Catholics; but, if he could impress upon the country gentlemen, that all the members returned would be Catholics, "and that those members would have the nomination of the sheriffs, and in many instances perhaps of the judges," he (Mr. B.) did not see how he would satisfy them that, "they could scarce live in the country if the measure were passed." So, here was a judge desired to take the opportunity of his circuit to deliver this lecture at place after place as he went on; and to throw in suggestions, moreover, of such corruption in the general legislation, as would enable the Catholic members returned by the Catholic voters to go up to the Treasury, and say, "make such and such men judges." The people of Ireland were to be told, and told by a judge, that judges might be appointed by political intrigue. Here was lord Norbury instructed openly to decry the purity of that justice, of which he himself ought to have been the ornament. He was to say; first, that the judges were secretly appointed; and next, that they acted corruptly after they were appointed. The information contained in the remaining portion of the letter ran thus:—"If Protestant gentlemen, who have votes and influence and interest, would give these venal members to understand that, by betraying their country and its constitution, they will infallibly lose theirs, it would alter their conduct, though it could neither make them honest nor respectable." Honest nor respectable! "If," concluded the attorney-general for Ireland, "you will judiciously administer a little of this medicine to the King's County, or any other member of parliament that may fall in your way, you will deserve well." [Hear, hear]. As some vindication, however, of Mr. Saurin, for having presumed to write such a letter as this, he (Mr. B.) had now to read a story to the House, which he had found in a Dublin newspaper

under the head of "the newest joke;" and, from the appearance that his lordship's bench—had reflected upon the gentleman, a member of the House also, that, for the sake of the joke—so much dear to the noble lord—had made a rule which ought to be as a matter of course, could have asked for getting. The circuit judge, when the joke arose was moved for a criminal a half-pay officer in court. The officer, however, refused to do anything which the court might be in court, and he used to say, "In England, would have been a matter of course, but at Norbury, however, and, had refused to do terms:—The motion was refused, and the offensive was made. "I remember when, used to me, I should have lost in supplying an inferior man has certainly a sound. No man resists more than I do; but to be made for the sake of men of the sword. Hamlet says in the play, 'at a pin's fee.' Was the judge on the bench, a paltry fellow for corruption; protection; you know what he wants: he wants you with him; and why not?" "On the other hand," continued, "the gentleman has a repugnance to the sergeant, Death." And that the rule was refused, opportunity to introduce ribaldry? "From an immortal bard drew leave to the comment *toga* is good Latin: I am a friend to conciliation, a triumph to neither allusion. [Loud laughter] were the followed the conclusion for the sake of the doubt it was, that the refused his rule. He had a professions believed that no lawyer greater disinclination



countenance reflections upon the conduct of judges, either in the course of legal practice or in the transactions of parliament. But, he revered the bench only so long as the bench respected itself; and when he met with intrigue where he was entitled to expect purity—low ribaldry and flightiness where there ought to be dignity—and duty sacrificed, in the course of a legal proceeding, for the silly vanity of uttering a trumpery jest—when he found a judge conducting himself in this manner; and when he found manifest proof, moreover, that that judge was not above being tampered with by a Crown lawyer for party—he might say for corrupt—purposes; when he saw this, his veneration for the individual was gone, and even his patience was not proof against the contemplation of such impropriety. He declared that, for himself, he knew of but one opinion upon this subject. He had talked with different members of the legal profession; he had discussed the matter with men of all ages, of all ranks, of all standings; and and he had found in the profession, as well as out of it, but one opinion upon the point—but one sentiment of disgust at the attempted intrigue of Mr. Saurin; an attempt which Lord Norbury, if he had not lent assistance to it, had certainly not treated in the way in which an English judge would have found himself compelled to treat it.

Upon a variety of other topics connected with the ill-administration of justice in Ireland, he would detain the House but a very short time. In general, it was sufficient to state the practice as it existed, and each particular case furnished sufficiently its own comment. In this condition stood the three systems of the civil bills, the revenue boards, and the assistant barristers. For the civil-bill system it was scarce necessary to go beyond the records of the House. Act after act had been passed upon the subject, each admitting the faults or abuses let in by that which went before it. For the revenue boards, their whole construction carried abuse and mischief upon the face of it; the same individual adjudging forfeiture one moment, and claiming the benefit of it for his own advantage the next; and control over the liberties and properties of the king's subjects committed to the hands of men without a qualification which should fit them to exercise it. But, though he had not exhausted the subject,

yet the subject had could only go so far the House to remember Ireland could not ever. One day or come—the House w account of its stewa try. England, poss the possession of the her security in peace war; and yet, in wa been but a strength i in peace but an eter and rebellion? Ireli of immense extent, v unrivalled fertility, genial than the clime an immense popul hardy labourers—m up the ranks of our employment at hom culture or manufac all these blessings v so profusely shower been stewards ove hundred and twenty tude for her had a hours of danger, v the possibility of h or when, having no tend with, she raiser in despair, and we [Cheers.] It cou the sole object of render Ireland a s been stewards ove period of time. should one day ha of our stewardship would be, but it What had we done we were bound to e our hands, her pop to her rather than a wretched, suffering out motive for ex midst of plenty. But they would not be They now demand ed for the attentio they were ready to In fact, they had scandalous and un their laws. In Eng layed; but, thank I be sold. In Irelan rich, refused to the all parties. It was fact: it was in vain of the truth. We

land, upon the brink of a precipice. Things could not remain as they were. They must either get better or get worse. He hoped—he trusted—that such an interval might yet be granted, as would allow time for measures—and they must be sweeping ones—of reformation; but, if that interval was neglected, fearful indeed would be the consequences which would ensue. [Cheers.] He might be wrong in this prediction. But, if he was wrong, he did not stand alone. He was backed in what he said by the spirit of the wisest laws—by the opinions of the most famous men of former ages. If he erred, he erred in company with the best judgments of our own time; he erred with the common sense of the whole world, with the very decrees of Providence to support him. We were driving six millions of people to madness, to despair. What results could reasonably be expected from such blind obstinacy and injustice? It would not do for hon. gentlemen to meet this case with their old flimsy defences and evasions. Excuse after excuse we had had, for refusing to do justice to Ireland; but the old excuses would not do—they would even apply no longer. At one period, we could not listen to the Catholics, from an apprehension of Buonaparte; at another period, the question was abandoned for fear of breaking down a strong administration; on a third occasion, the claimants were met with “the scruples of the monarch.” Buonaparte had since died upon the rock of St. Helena, under solitary confinement and unnecessary torture. [Hear, hear!] The monarch, too, was gone to his great account. There were no scruples in the present king’s breast which weighed against the interests of Ireland. Two objections, therefore, to the claims of the Catholics, were, by the mere lapse of time, completely got rid of; and for the third—the danger of breaking down a strong administration—it would be admitted, on all hands, that we ran very little hazard just now of doing any thing of that kind. [A laugh.] To attempt any course with Ireland short of a complete redress of grievances, would be a mockery of the evils under which she was suffering; but the greatest mockery of all—the most intolerable insult—the course of peculiar exasperation—against which I cautioned the Hon. , was the undertak- to the d under which a o, by m- nts. 11 v

in these enactments far shown our libers had received penal of England, almost had received bless from the hands of Pr these laws done? Ct but not stifled it. ing perpetual, the co postponed. We n chains; but, in doi better her conditio might goad her on ercion we should ne If the government w tranquillity to Irela prefer the hearts of 1 applauses of the O warm-hearted dispos their desire for the duality and good fee ciently evinced durin visit to Ireland. Wl reception which they representatives for bi ferred? But he was self with the idea of feared it would neve in reality to behold; must come back to mand—those rights that equal administr which Ireland was 1 Great Britain that we wrong to their subjec at least, was the comm- ments. To deny the plaint being tendered mon; but, to deny the to refuse justice, and of the matter of cor deny the fact; I refu that you offer to pro not do the wrong, and any inquiry”—what u to injury and violenc sult? But, whatever do, he had performed released himself from sponsibility, as to the 1 If the inquiry which be refused, he shoul plore it. But, the main to him, that he n to their duty, and ha ments which he thou duce them to the ado sures, without which, he believed there cou for Ireland, nor s

[Loud cheers.] He would now move, "That the petition of the Roman Catholics of Ireland, complaining of Inequality in the administration of the Law, be referred to the Grand Committee for Courts of Justice."

Mr. *Goulburn* observed, that on a subject so deeply involving the best interests of Ireland, the House could not be surprised at his feeling some anxiety to address them. The learned gentleman had stated, that in bringing forward this motion, he had discharged his duty, and relieved his conscience. He (Mr. G.) stood there to discharge his; to state the grounds upon which he considered it incumbent upon the House to resist the motion, and refuse acceding to the prayer of the petition. He was conscious that he laboured under great difficulties in replying to the hon. and learned gentleman. In the first place, he had not the same claim to the attention of the House. In the next, the question was brought forward at a period of the session, when those individuals who were most competent to give information, because most conversant with the administration of justice in Ireland (he meant the Irish members), were, for the most part, necessarily absent; and he was therefore deprived, by their absence, of the valuable testimony which he was confident they would, if present, have afforded to the purity of that administration. Under these circumstances, he had to throw himself upon the indulgence of the House, while he endeavoured to reply to the hon. and learned gentleman; to oppose to his eloquent statement, facts and the result of experience.

The hon. and learned gentleman talked of the petition on the table, as if it were the petition of the people of Ireland. That it was so, he (Mr. G.) altogether denied. He would not admit that the petition spoke the opinion of the people of Ireland. He would not be a party to so libellous a charge upon the people of Ireland. He was convinced that the sentiments which it expressed were abhorrent, not only from the people of Ireland, but from the majority of the class of individuals from whom it professed to proceed. The hon. and learned gentleman urged it on the House as his duty, not to neglect what he called the prayers of the people of Ireland. Why only profess

tain Roman Catholics when he looked at the petition could not see the number of persons, of every faith, who had an interest foremost in maintaining the law. He looked at the titled, respectable individuals, whose talents qualified them as good judges of persons were from the petitionally proceeded. He would allow that it was from the Catholic members their sentiments are in view it only as the persons by whom it had been presented the petition of a member against the establishment of the law in their country, and the statement of facts rendered the petition a member of the House (attention), but from the impression which the administration and corrupt. But sufficient in importance persons from whom not the less derived with reference to it was directed. The petition against all land. Now, if the learned gentleman were in the House, what would be the result of a petition of a similar nature from a body of Roman Catholics of Ireland to state, that the law in part of Ireland, exercised an undue influence on the trial of juries, if they had succeeded in the system of intimidation of the operation of the law the quittal of the guilty of the innocent: an allegation charged on the community with which would not the learned gentleman call on the House to resist such an attempt more especially in the petition presented more than once.

ciation founded on narrow and exclusive principles, from some Orange lodge for instance? But where was the distinction between the two cases? He (Mr. G.) could see none. He could see none in the character of the two classes of petitioners; he could see none in their objects, each bore the character of an exclusively religious association, each had for its object the inculcation of the administration of justice. In the commencement of his speech, the hon. and learned gentleman appeared to feel, what, indeed, must have struck every one who had read the petition, that the House were called upon to enter into an examination into the administration of justice in Ireland, on a petition which did not state a single fact, but which merely contained a general, and almost an inflammatory statement as to the whole of that administration. The hon. and learned gentleman had allowed, that the omission might appear extraordinary, but he had, with an ingenuity peculiar to himself, endeavoured to assign a reason why facts were omitted. It was, forsooth, because the corruption of the administration of justice was so notorious to the petitioners, that it had never entered into their innocent imaginations to suppose, that Englishmen could be ignorant of it. Was this a principle upon which to condemn the whole administration of the law? What public institution, what private character, could be safe, if such a principle were admitted; if we were content to assume the absence of all ground for accusation as proof of notorious corruption. Nothing could be more fallacious than such an argument; but its fallacy was not equal to its injustice. He readily admitted that the purity of the administration of justice was a subject of the utmost importance. It was a subject to which the attention of the legislature could not be too strongly directed, and it was a subject on which both Houses of Parliament were very properly anxious. It was impossible to value the purity of the administration of justice too highly. But he put it to the hon. and learned gentleman, whether another duty was not imposed on Parliament, not less imperative than that of preserving the purity of the administration of justice. If they were bound on the one hand, to guard against partiality or corruption, they were bound on the other hand, to guard against exposing the administration of justice to unmerited suspicion [Hear,

hear!]. They were up the tribunals of obloquy. But a ready mode of doing this was suggested by the eloquent learned gentleman's assertions, unsupported by facts, to take it for granted, to imply that the administration of justice in Ireland, was defective? They themselves, used on another subject, a similar mode, he would use with regard to this, namely, that suspicion was the cause of all the ills that befell the country. The hon. and learned gentleman said, forsooth, that the petition required, was inquiry into cases in which, perhaps a distinction could be made, a readiness to inquire and condemn? Would any thing of this kind be said, that to refer to an ordinary committee which had not been sitting for a hundred years, while the Grand Committee of the House were employed therefore to be a condemnation of grave crimes, could fail to produce the House admitted the alleged evil? Would suspicion and imputation of justice in that imputation be the learned gentleman's remedy? The notoriety of the corruption would supersede, on the part of the House, the necessity of fact.

The petition, and the hon. and learned gentleman's separate grounds of objection, that the law, as affecting the Roman Catholic, was unequal, that that unequal law was administered. In considering these questions, he was struck by the inequality of the administration of justice, of which the Roman Catholic land had alone a right to complain, not that inequality which affected the Roman Catholic. It was notorious that the laws and restrictions were applied to the English Catholics, from whom they were exempted; but if proposed this, the bill of a noble gentleman in his place, afforded it,

pressly introduced for the purpose of conferring on the English those superior privileges which the Irish enjoyed. Why, therefore, was a distinction made by the learned gentleman? Why was so much sympathy lavished on the sufferings of Ireland, under an inequality which pressed with greater severity on other parts of the United Kingdom? And why was not the case of the Catholics, both of England and Ireland, to be referred to this committee? With the inequality of the law, however, as affecting Protestant and Catholic, the government of Ireland had nothing to do. If in the opinion of parliament the law ought to be altered, that was another question. The subject had undergone long and repeated deliberations, and parliament had over and over again decided, that they would not render the laws equal. It was a question, however, which rested not with the government, but with the legislature. But he (Mr. G.) declined pursuing this branch of the argument; more especially as he felt it incumbent upon him to enter more at large into the other branch of the question, which applied to the manner in which, under the existing laws, justice was administered in Ireland. As the petitioners brought only a general charge, it might be enough for him to meet it with a general denial. The learned gentleman had, however, professed to supply facts, and upon those facts he must offer some observations. His first fact was with respect to the magistracy of Ireland: and upon this he argued, that, because the mode of appointing and removing magistrates in England was different from that which had prevailed in Ireland, the magistracy of Ireland was partial and corrupt. He (Mr. G.) was ready to admit what every body knew, that the rule adopted by the lord chancellor of England, in the appointment of the magistrates of England, was very different from the rule adopted by the lord chancellor of Ireland, in the appointment of the magistrates of Ireland. The lord chancellor of England declined to interfere in the removal of any magistrate, unless the case of that magistrate had been heard before a legal tribunal, and a jury had determined against him. But that was not the practice in Ireland.

The circumstances of the two countries were extremely different, and upon this, as upon other questions connected with Ireland, if gentlemen imagined that what

was the rule in England, could be uniformly applied to Ireland, or that the difference of the habits and situation of the people did not require a separate mode of conducting the affairs of each, they would grievously err. In Ireland, it was true that individuals had been removed from the magistracy, not because they were partial or corrupt, but because they were persons whose rank and situation did not entitle them to hold the office, their appointment to which in times of peril and emergency had been an act of indispensable necessity. Their removal did not sanction the learned gentleman's inference, that the magistracy were generally corrupt. Instances, indeed, had occurred, and in what country would they not be found, where magistrates had been supine, where they had been over zealous, where they had been ignorant, and in some few cases where they had been corrupt; but he maintained, that taking the magistracy of Ireland as a body, though not exactly on the same footing as the magistracy of England (would to God it were possible to make them so); yet they were honest, zealous, and able, and as judiciously selected as the materials from which the selection was to be made admitted.

The hon. and learned gentleman next criticised the manner in which the recent reform of the magistracy had been conducted. If, in his observations on this subject, he meant, as his expressions would imply, to impute to the lord chancellor of Ireland any undue political motive in the appointment or removal of the magistracy, he stated what was at variance with fact, and did that noble and learned lord great injustice. The removal of any magistrate from the commission was an invidious duty, and the persons so removed naturally ascribed their removal to improper motives. Of course appeals without end had been made to the Irish government, on the subject of the late removals; and he could most honestly and sincerely say, that having been admitted by the noble lord to the consideration of several cases of imputed inadequacy of persons holding the office of magistrates, he had never known one dismissed from the commission, whose character, conduct, and station entitled him to remain in it. If the hon. and learned gentleman himself could look into the details of this subject, he would be perfectly satisfied that the lord chan-



cellor of Ireland could not have been actuated by any motives of partiality or corruption. [Mr. Brougham denied having imputed corrupt motives to the noble and learned lord.] Attributing the removal of individuals from the commission, to their differing in political opinion from the noble and learned lord, and to their being sectaries, was supposing the existence of an improper motive. By no such motive was the lord chancellor of Ireland actuated. He took the recommendation of gentlemen of all political parties, and indifferently, whether Catholics or Protestants. He inquired into the facts of the case, and acted accordingly. But the hon. and learned gentleman was evidently little informed of the circumstances of the case. He had said, that in twelve counties alone the commission had been reformed. The fact was, that there was not a single county in Ireland in which a reformation had not taken place, more or less complete, as circumstances and information permitted. In counties where no interruption had taken place of the general tranquillity, the conduct of magistrates had been rarely under the cognizance of government; and in those cases it was not to be expected that the removals should be numerous, or the reformation complete. But in other counties less fortunate, where the government were of necessity in habits of constant communication with the magistrates, and had frequent opportunities of observing their conduct, the reformation had been most effectual. If, indeed, the hon. and learned gentleman had upon this subject addressed himself for information to the hon. member for Limerick, who sat near him, he would, as he (Mr. G.) believed, have learnt from him, that in that county at least there was no ground to complain of the manner in which the commission of the peace had been revised: that in that county at least, where many causes of delicacy and difficulty had arisen, the decision had not been influenced by any of those religious or political considerations which he had imputed to the lord chancellor. But there was a grave charge against the lord chancellor of Ireland, on the part of the learned gentleman, and it was more deserving of attention, because it was the only one which professed to rest upon a fact. It was, that sir Harcourt Lees was in the commission of the peace in Ireland. On the propriety and discretion of sir Har-

court Lees' now say no opinion who could self. But learned gen of his attack made a statement individual, court Lees any county these were hon. and learned refer the person courts of to the House ranted in public

As to the was the learned charge, the that whatever had been objections; of remembered, cellor of Ireland part. The however, this in corporate corrupt as a forward, and that case. He ever since he any such case but, upon his able to meet accusation, that in the absence But the learned that, though pure, the un and, in support evidence of mittee above mining the government more than to them. They possible several and over again were once a crime, he would condign punishment proceed on nameless witnesses, not so directed against He had been tending the inclination, of public business

on circuit. He (Mr. G.) was unwilling to say any thing of that grave and learned person which could aggravate the feelings of his friends, or which was not compatible with the respect due to his character. But the hon. and learned gentleman had alluded to another charge delivered by judge Fletcher, at a subsequent period, which in his opinion also went to substantiate the statements in the petition. Now he (Mr. G.) knew, that on judge Fletcher's return to Dublin, on being questioned, whether this latter charge was faithfully reported in the newspapers, he explicitly stated, that so far from being correct, it was at variance with the truth. Might it not then be presumed, that the former charge was published by persons of the same disposition, and having the same object as those from whom the latter emanated? But there were other grounds for believing that the administration of justice in Ireland had been misrepresented. He yesterday had occasion to state, that one of the most necessary duties of the Irish government was, to superintend the administration of the laws. About one-third of all the criminal cases which were tried, not only in the superior, but in the inferior courts in Ireland, came before the lord lieutenant by petition, and were thus actually retried. In investigating these petitions, it became the duty of government to refer to the judge who presided, to know whether the petitioner was entitled to the mercy of the Crown, or whether the verdict of the jury accorded with the evidence adduced. This took place, not only in cases of capital, but also of minor charges; and he could say, that since his connexion with the government of Ireland, no instance had occurred in which the judge imputed corruption or partiality to a jury. If then judge Fletcher knew of improper conduct on the part of jurics, such as the charge of 1814 now imputed to him stated to exist; if it could be supposed that he should not have officially of his own mere motion, represented them to the government, yet the practice now mentioned gave him not an opportunity only of making them known to the lord lieutenant, but called imperiously for a full development of his opinions, and the ground of them. As no such representations had been made by the learned judge, either with or without this invitation, he (Mr. G.) thought that he had good grounds for doubting

the correct and the most the subsequent. But when the judge went applied to Fletcher, by other judge to be found the conduct the hon. at the administration could not be deserving of ground for enter upon it might be said selves Prot willing to scolding their greater number the lord lieutenant pleaded the fact was evidence that above many ground for decision ever, had no recollection instances; in his opinion, corruption were gratuitous above this learned gentleman existed not cases. In relation, he (Mr. G.) would deduce the most order to make was necessary was open to themselves appealed to the fact was a general the decision might be argued general opinion incorrect. But for inferring if he (Mr. G.) appeal, which cases, was not to in Ireland irrefragable decision of it satisfactory, a suspicion of that the error civil case was

the medium of an application to the court for a new trial, upon cause shown: And could stronger ground for a new trial be urged, than that of a Protestant jury having made the religion, and not the merits of the party, the ground of their decision? Those who have signed the petition, tell us, that though they complain of Protestant jurors, they have a great veneration and perfect confidence in the judges of the land. Upon this subject he (Mr. G.) should quote the opinion of Mr. O'Connell, the gentleman who had signed the present petition, whose experience of the courts in Dublin enabled him to form a correct estimate of the character of the judges, and whose testimony on this point could not be suspected of undue partiality. He should on this occasion quote from the Dublin Evening Post, which was at least as valid authority against the hon. and learned gentleman opposite, as in his favour. The right hon. gentleman here referred to a late speech of Mr. O'Connell, in which that gentleman characterised most of the judges in Ireland as persons of tried sincerity and honesty, and some of whom, he said, he had a proud satisfaction in holding up to the world, as bright examples of learning and integrity. The entire of the present judges in the court of King's-bench, Mr. O'Connell considered of this description, and such as he had never expected to see at the head of that court. Some judges in the other courts were also entitled to the same praise. If, then, resumed Mr. Goulburn, the Catholics were treated with injustice by juries, there was, on the admission of Mr. O'Connell, a court open to them, where they might be certain of redress. Compare, then, the number of motions for new trials in the court of King's-bench in Dublin during the last year, with the number of similar motions in the court of King's-bench in England during the same period. In the former, there had been 32, in the latter 114. In the other courts the proportions were very nearly the same; so there was at least evidence to prove, that the disposition to question the decision of juries, in the only manner in which their merits could be discussed, was not stronger in Ireland than it was in England. He (Mr. G.) therefore begged to be allowed to plead Mr. O'Connell's speech, which he had fairly quoted, and Mr. O'Connell's practice as a lawyer, in not advising a more frequent resort to the legitimate test of

the conduct of juries, as a refutation of Mr. O'Connell's arguments, as stated in the petition.

He had thus gone through the several topics in the hon. and learned gentleman's speech, to which it appeared to him in any degree necessary to advert. He had not indeed attempted to compete in eloquence with the hon. and learned gentleman; he had no wish to mislead the judgment of the House; he had not misrepresented his statements, but had contented himself with stating facts, and facts only, in opposition to general assertion. He would detain the House no further than by a recapitulation of the state of the question. The House had on the one hand, before them, the direct assertion (unsupported however by any testimony whatever) that the administration of justice in Ireland was corrupt. They would never forget that that assertion proceeded from those who were mainly interested in representing every Catholic disability as a grievance, in the most glaring and exaggerated terms. The Catholic association had no other claim to public attention, than that which they derived from an attack on Protestant establishments. Their importance, such as it was, depended on the case which they could advance against existing laws and institutions, and it was therefore too much to suppose them exempted from the natural error under such circumstances, of drawing pictures more conformable to their wishes than to reality. The hon. gentleman had added to these assertions much of eloquent invective, and something of general argument, but his argument proved too much. If the state of the laws in Ireland, as regarded Catholic and Protestant, rendered an impartial administration of justice impossible, the same grievance must exist, the same inquiry must be necessary in England, where the legal privileges of the two classes are even more contra-distinguished. Such was the case made out by the hon. and learned gentleman. To this case he (Mr. G.) had opposed the testimony of the judges of the land, admitted even by the petitioners to be men of intelligence and integrity; the testimony of all who composed the Irish government; of lord Wellesley, of the attorney-general, of the solicitor-general, and of himself. The two latter, perhaps, might be suspected of some prejudices upon a question between Protestants and

Catholics; but it should be recollected, that as members of the government, they were above all others interested in securing to the country, the benefits of an impartial administration of justice. It was for the House to judge between the hon. and learned gentleman and himself, or rather between the hon. and learned gentleman and this mass of competent testimony. For his own part, he should decidedly vote against the inquiry; and he trusted the House would never sanction by their vote, the dangerous principle, that ancient and venerable institutions were to be disparaged and destroyed, because individuals were to be found capable of abusing or maligning them. If that were once established (and what could more establish it than an acquiescence in a motion such as that before them), the House might rely, that the administration of justice would not be the only subject of complaint, but that those who now railed with so little reason against the judicial system of the country, would proceed with redoubled confidence and increased violence, to arraign every institution, every establishment, and every practice of the constitution, which opposed a barrier to the bad passions of the multitude, or to their own ill-regulated and dangerous ambition.

Sir H. Parnell said, he rose to state some facts relating to sheriffs in Ireland which had come within his own knowledge. But, before he alluded to that, he wished to say, that he thought his hon. and learned friend had been misrepresented by the right hon. gentleman. The evidence upon which his hon. and learned friend relied, was not that of an isolated individual before a committee, but had been confirmed by others. He (sir H. P.) had been upon the committee on the Usury laws, and it was there stated by a very respectable Irish attorney, and a secretary of a principal Insurance office, that the difficulty of having the process of the law carried into execution in Ireland, was the principal reason why English capital was not carried over to that country. The people of this country had no objection to the Irish law courts, but they had many objections to the mode in which the law was executed. Lord Redesdale, whose authority on this subject was incontestable, had said, that in *Ex parte* *Coke* & *others*, "that the *mode* of the suit," *it seemed*

to be but many were  
ments again  
duty, and  
newed, that  
begun when  
He had read  
of judge F  
was correct  
fore it was,  
document;  
knowledgea  
which was  
tleman had  
petitioners  
could say if  
there were g  
the subordi  
tion of ju  
practice for  
ber of sun  
officers, with  
order that t  
the name of  
shillings. I  
tion on all t  
the petition,  
appeared to  
generally ap  
nomination  
complaint w  
by corporat  
and in such  
in political  
expect an in  
complaints  
bear on the c  
in the north  
bility of ge  
Orange jury  
rages and c  
Catholics, w  
dered the lat  
as likely to  
but its value  
midation wh  
magistrates,  
the old syst  
tive measure,  
vast deal mor

Colonel B  
tion, and sa  
could be urg  
be drawn fr  
by the hon.  
have little  
The Cath  
this petition  
ought not to  
state. It

diate neighbourhood of the Castle of Dublin, issuing resolutions, and keeping up all the forms of a parliament, except that it had not a mace upon the table, nor a Sergeant at Arms at the door. If the government of Ireland suffered such an assembly to sit in its vicinity, he hoped it would be obliged to abandon the reins of government, with the disgrace which belonged to it, for having tolerated this focus of sedition. The debates which took place in that association went constantly forth to the public, and were evidently calculated to set one part of the population against the other. Amongst other observations it was averred, that 20,000 Orange-men intended to massacre the whole Catholic population. If that association were not put down, government would be either obliged to yield entirely to the tumults raised by them, or else to abandon the task which they had undertaken—that of ruling the country according to law. The right hon. gentleman here read an extract from one of the speeches recently delivered at a meeting of the Catholic Association, in which the orator pointed out to his Catholic fellow-countrymen the propriety of carrying arms for their defence. He knew that the individual to whom he alluded, afterwards denied having used the expressions imputed to him: but he also knew, that the note-taker, by whom the speech was reported, was ready to declare, on oath, that these expressions did fall from the gentleman in question. Another statement was, that 20,000 Orange-men would exterminate the Roman Catholics of Ireland. This was absurd. What proportion, he would ask, did the whole body of Orange-men bear to the vast numbers who were acting, in every county, under the directions of Captain Rock? The learned gentleman admitted, that those who had intrusted him with the petition had not supplied him with facts; and the reason he gave for their not having done so, was the notoriety of the grievances set forth in the petition. If they were so notorious, why did not the learned gentleman fill up the blank by some statements of his own? He, however, could account in a more natural way for this extraordinary absence of facts. He believed that the petitioners had no facts to state. If they were in possession of facts, would they have kept them back out of mere forbearance? The whole tenour and construction of the petition was a gross

libel on the gentlemen of Ireland. It contained a good deal of bombastic eloquence; but in sense and reasoning it was wholly deficient. There was one passage in the petition to which he wished particularly to advert. It ran thus:—“The passions which arise from sectarian hatred, inflamed by the fears of endangered avarice, are of the fiercest kind, and naturally lead to a frightful excess. The sacred writings are tortured into a profane instrumentality—the Bible is resorted to for the suggestions of massacre—and the injunctions of murder are drawn out of the very word of God: conscious of the guilt of their sanguinary affiliations, they fly from the light, their league against their country is veiled in a sacrilegious darkness, and their impious fidelity secured by a blasphemous appeal to the sanction of an oath.” These ideas were founded, he supposed, on a pamphlet, entitled “The Orange System Unmasked,” and printed by Mr. Millikin, of Dublin; from which also a right hon. baronet (sir J. Newport) had, he believed, examined some of the witnesses, during the late inquiry. He would only say, that he never recollected to have met with such a mass of exaggerated and absurd falsehoods as were contained in that publication.—A great part of the statement contained in the petition rested on the charge of Mr. Justice Fletcher in 1814. He had the honour of knowing that learned person, and he had often argued with him on this very subject. A report of the charge had appeared in the newspapers, which was wholly different from what the learned judge really delivered. He happened to be foreman of the grand jury to which the charge was addressed, and he felt it to be his duty to speak to the learned judge about that which had been published. Mr. Justice Fletcher then declared, “that there was scarcely a word which he had uttered in the printed charge.” One expression in the charge was, “that the violence of the magistrates drove thousands into rebellion.” Now, such an assertion could not stand. It was not, for instance, applicable to the county which he had the honour to represent. It was the pride of that county that there was never any disturbance in it. At least there was never any serious disturbance. There were of course, fightings at fairs, and petty riots of that description, but nothing more. Mr. Justice Fletcher had, at a period sub-



sequent to his charge, told him most unequivocally, that he never saw any thing improper in the conduct of the magistrates, and that his opinions had been very considerably altered since 1814. He begged leave, in support of his opinion, to quote the sentiments of another learned judge, Mr. Baron Smith, who in passing sentence on two persons who were tried at the Londonderry assizes, for murder and arson, made use of these words:—"The case is made out against you, by men whom I suspect to be Orange-men; but more fair and candid testimony I never heard in a court of justice. What I stated to the jury as favourable to you, was founded on the evidence of those witnesses. The jury, who are exclusively Protestant, have gone beyond what I recommended. They have acquitted you of the murder altogether, and they have recommended you to mercy for the other offence; thus showing the baseness of those calumnious reports and falsehoods which have been so industriously propagated, to render individuals of different persuasions hostile to each other. I will say, that in the administration of justice, a uniform regard is had to the interests of the Roman Catholics; and a degree of indulgence is granted to them much greater than we extend to ourselves. This arises from a spirit of pure liberality." Such were the sentiments uttered by Mr. Baron Smith about a year after the celebrated charge of Mr. Justice Fletcher; and indeed the Roman Catholics themselves did not complain of the manner in which the business of the courts of justice was conducted.—There was one part of the statement of the learned gentleman, which, he confessed, gave him very considerable pain. He alluded to a letter said to have been written by a late attorney-general for Ireland. He was extremely sorry that the learned gentleman should have resorted to a subject which he thought had been set at rest for ever; particularly when the base and infamous manner in which the letter had been procured was recollected.—He should now bear testimony to the pure state of the administration of justice in Ireland. He had not had the experience which other gentlemen possessed, of the proceedings that adopted in the disturbed counties. — county was fortunate in those scenes of violence too common. The

population amity with heard it at sources of out Ireland assertion to might, per were points died. If bring forw fully lend removing t were made tration of never to b excitement be thrown were admin conduct in Ireland was every reflex cative meas mischiefs m be a bad leg ative measu rid of so v very first in be taken as patient from They ought if not open removed fro tion, as they no adequate gine that st the mischief lowed, great there were i aides—and h down. Wit freedom th House, he m prevailed in put down b Then, and tl remedies to the evil. from heated tremely vitia were most have so goo by the str ting harangu lications. ] intrust the even strong they had de Mr. Hut the right ho sentiment, n

Ireland with which he was best acquainted, there was no ground for so sweeping a charge; nor did the Catholics there, to his knowledge, ever make or sanction it. In candour and in justice he owed this denial, and he freely made it, in behalf of the character of his countrymen, which must be foully injured if the imputation in a general sense were correct. But he did not think the petition meant to make a general charge. He rather believed its chief force was meant to apply to the local influence, in empanelling grand and petty juries, of the corporation of Dublin; enough of which had been disclosed in the late proceedings of the House. It was in that sense, and that alone, he wished to have the petition referred to the committee. He earnestly hoped it would be so referred, not as conveying a general reflection, but as applying to a notorious party influence which was most detrimental to the administration of justice.

Mr. *Daly* could not assent to the construction of this petition as limited to the corporation of Dublin. On the contrary he saw that it cast a general imputation upon the judges, the magistracy, the grand and petty juries, throughout Ireland. A charge so broad was an attack upon the Protestants of the country, totally unfounded in every respect. Much as he contended for the justice and policy of the Catholic claims, yet he could not sacrifice to mean popularity his sense of the gross injustice of the charge conveyed in this petition. Not a single fact was stated in this petition, and every insinuation it conveyed was unfounded. He could say, as the representative of a large catholic county, that he never sat upon a jury without finding a Catholic in the jury-box; and he had never, in a single instance, heard from any member of that religion a complaint of a mal-administration of justice; he had never heard from one of them even a whisper of corruption. He owed this statement to the character of his protestant fellow-countrymen; and he owed also to the Catholics to deny their general participation in the statements of this petition. Not a single Catholic nobleman, honourable member of a noble family, or baronet, had signed it. There was, according to his recollection of them, no signature of any of the great Catholics; nor even of any of the Catholic merchants. Such a charge, he said, was in the sense of it con-

tain a syllab end [Hear

Mr. *V. F.* had strong feelings, yet he calumnies sentences against the people. puted to the or the petitionally in the a regretted th appeared in th been made. of the petition doubtedly th tude of lang plaints, beca disappointment first hopes.

language of lated to impute cause. The judges of th and on the g

Mr. *Abernethy* hon. gentler course of th the conduct they recollected these they remembered avowed Orange court-house c ty of the sh tioned by the Armagh? D ral proclamation on behalf of land? This answer to the opposite, but case. Here w passions convi men on one si gates on the was, whether, was in human be calmly and was no imput Ireland to say bound to look eye to the a a country e symptoms of said, that the He lamented ill advised as there none in friend; only c

was the case of the king's attorney-general addressing to the Lord Chief Justice going circuit a letter of a most extraordinary nature. And what his learned friend had said in relation to this letter of Mr. Saurin was well worthy of attention. One of the arguments which, in this epistle, the learned judge was recommended to use, was to this effect:—having got the gentlemen of the jury into his own room, he was instructed to bias their minds in this way—"let the gentlemen be admonished, that if they don't take care, the Protestants will be thrown into the back ground, as the Roman Catholics were formerly." What could be the line of argument taken by the judge upon the bench, when the argument he was urged to use in his room was, that grand jurors ought to take care to exclude all Roman Catholics from place or power? It was to be put to those gentlemen, as matter of intimidation, that if they failed to do so, they would be thrown into the back ground, as the Catholics had previously been. Care was to be taken to show that this opposed feeling, as between Protestants and Catholics, was to be encouraged rather than repressed. The chief secretary for Ireland had asked,—“why, if judge Fletcher entertained those opinions which he had promulgated, he did not still more strongly enforce upon government than he had done, the necessity of such reforms as he had suggested? To this it might readily be answered, that Mr. Justice Fletcher had already done every thing in his power, and had determined finally upon the course he adopted, because all private means of obtaining redress had become hopeless. Upon the whole, although it had been truly said, that no particular case of grievance was laid in this petition, he thought it was impossible for the house to withhold its consent from the motion of his hon. and learned friend.

Mr. *R. Martin* said, he was very sure, that if the hon. and learned gentleman had had an opportunity of previously communicating with these petitioners, or if they had sent him a brief, or a case only, without a brief, his advice to them would have been, not to transmit to parliament a petition couched in such inflammatory language. He would have said, “in a petition to parliament, you should avoid all flourish, all metaphor, all reasoning [a laugh]. By reasoning, he meant all argument, for a petition should

merely state prayer. It would have tone and manner, and be bullied into it. As it was, he could not see a better magic than to say Ireland; there were some dices. As to the opinion was from the bench, the learned person like his determination to in any way would be session, and to Ireland; not give it to

Mr. Secretary fine himself to the consideration of the committee before stated to the four days will voted to the no less than appropriated to the it would ease he felt to call he proposed shortly this have recourse of committee, of justice—resorted to 120 years past upon express one of the to know what and learned itself, any as this had called the petition but, opposed and important subjects, on the it was called the charge committed so it having been connected with unbecoming such ferocious be imagined Ireland could of this kind



holding out a bribe to servants to betray the secrets of their masters, ay, and their mistresses too. He said, "and their mistresses too;" and not only bribing them to betray her secrets and steal her papers, but producing them, to bear out a charge founded on the papers which they had obtained by larceny. He would say, that it was every way indecent to carry on, by means drawn from such polluted sources, a prosecution in which they at once insulted, disgraced, and degraded the country—a prosecution, foul and polluted in its origin and progress, and which made the sun shroud itself in darkness, as if unwilling to lend its light to the perpetration of such wickedness [cheers]. And, by whom was this disgraceful prosecution carried on? By ministers—by the very colleagues of that right hon. gentleman, who was now so marked in his disclaimer of all and every encouragement, by which servants might be bribed to betray their masters and mistresses. If the right hon. gentleman was sincere—and sincere he had no doubt he was, in his disclaimer of such vile practices—what disgust must he not feel at sitting in the cabinet with the very ministers by whom a prosecution so founded was carried on! He did not say all the ministers, for the right hon. the secretary for Foreign Affairs had shown his disgust and abhorrence of the proceeding, in a very early part of its progress. He must also except the President of the Board of Control (Mr. Wynn), whose upright mind must have revolted at such an atrocious prosecution. But, with these exceptions, the whole of the right hon. gentleman's colleagues—the right hon. the Chancellor of the Exchequer who sat next to him, the right hon. the lord chancellor Eldon, the ancient friend and counsellor of her late majesty, when princess of Wales—all concurred in carrying on a prosecution founded on practices which he now so justly deprecated. He should like to see with what face the right hon. gentleman could come before lord chancellor Eldon after the report of his opinions that night should have reached that noble and learned person [Cheers, and cries of "Question."]

"Ay," continued Mr. Brougham, "you may call question; you may try to bring some other topic, because a charge is made which clings to your consciences,

"Ay, Sir, we are party to this degradation—put a green bag in our

possession, arms. It had not so to prevent the examination the malice which could the condition was filled of which I cured by marriage, the letter to lord respectable such means damned, how far our rated in individual Great stress mis-information Lees being received his in a gentleman dered very gentleman all in the the fact to be with which ment. In fact confirmed in that justice land; and the member for the chief whose here lead him to He did not individuals as the say, that Irish corruption that a set of could not be ruption under his authority disputed, ex Fletcher. The hon. member worst judges unjust, and as well as his rather a severe hon. member authority; but was contrary before heard, judge. He I be was upright sincere in the would not propriety of



charge; but he would assert, that, next to the merit of not having delivered a political charge, he was entitled to praise for having given so good a one. It was said, that the opinions of judge Smith were opposed to those of Mr. Justice Fletcher. For judge Smith he had a great respect. He admitted his talents and his character; but if he were to form his opinion from some of his works, which it had been his fortune to read, and to recollect that they were published by a learned judge on the bench, he could not form the highest opinion of his judgment. With the exceptions he had mentioned, the whole of his (Mr. B.'s) authorities remained uncontradicted. But then came the hon. member for Cork (Mr. Hutchinson), who had got into the most laudatory mood, and praised the whole of the administration of justice. He had eulogised the purity of the twelve judges, the grand and petit juries; in fact, all the civil authorities connected with his part of Ireland. They were all pure, and wise, and just, and impartial. This general and unqualified praise, on the part of his hon. friend, reminded him of the story told of Mr. Hargrave, who had been appointed recorder of Liverpool, and who was so pleased with the appointment, and with the manner in which he had been received, in the discharge of his judicial functions, by the good people of that town, that on his return he could never cease talking of them, and always in a strain of the highest eulogy. "The magistrates," Mr. Hargrave would say, "oh, they are the kindest, the most humane, and most considerate set of men I ever had the pleasure of meeting. They all seem delighted at every opportunity of making themselves useful. The attornies who practice there are a most upright and deserving set of gentlemen. They are worthy of a much higher rank and better fate, and would do honour to the wig and gown in any part of the country. Then, the juries are so kind, and attentive, and obliging; and their suitors who proceed in that court, they are so civil and so candid, so grateful for the smallest portion of justice, that it is really a satisfaction to administer it to them." "And the criminals?" said a gentleman who was listening to this laudatory statement, "Ah, the poor criminals," continued the learned recorder. "why, really, for poor fellows in that situation, they were the best worthiest set of men I ever

laugh]. If for Cork. . . none were grand and all generally its vicinity. ber's praise but it was that the two pure. In judges were notion would ministration told that pure?" I the judge he did say. sued in liable to was consistion of ju that the c was pure, much ostumphant. gine that the two learned g House to assent to i jury; but would te avert a di not foresaid, that did not sp Catholics it was, at tained w The body looked up constituer little exce object wl heart. T the sentin from one than by n it was in whom it c one sarcas tragedy, of people sand lead not to crit severity. Ireland. excited before

the House, then, open the doors of its grand committee of justice to this petition. The effect would be, to suspend all danger from popular feeling—to excite hope in the minds of all, from the anticipation of what might be done in the next session. He called upon them, then, in the name of six millions of people whose interests were so much concerned—in the name of those whose peace was disturbed—and in the name of the empire at large whose security was threatened, to put an end to all fears of present danger, by holding out an assurance to the petitioners that their case would be considered.

Mr. *Hutchinson*, in explanation, repeated, that if the petitioners asserted, that justice was not fairly administered to them by the judges of the land because they were Catholics, they stated what was false; that if they stated that grand and petty juries in the South and West of Ireland did not administer justice fairly to them because they were Catholics, they stated what was false; for the greater part of the juries of that part of the country were themselves Catholics. This was what he had said, and he was surprised at the very gross misrepresentation of his sentiments which had been given by the hon. and learned gentleman.

Mr. *Brougham* said, that his hon. friend had used very strong language. He was sure his hon. friend did not mean to quarrel with him; but if he did he could assure him that he would not quarrel with his hon. friend. He objected to the terms used by his hon. friend, principally because they happened to have no foundation.

The House divided: Ayes 59; Noes 139.

#### List of the Minority.

Barnard, visc.	Evans, W.
Barrett, S. M.	Farrand, R.
Bennet, hon. H. G.	Fergusson, sir R. C.
Benyon, B.	Grattan, J.
Broughton, sir W. E. R.	Griffith, J. W.
Brougham, H.	Hamilton, lord A.
Buxton, T. F.	Hobhouse, J. C.
Calcraft, J. sen.	Honywood, W. P.
Calcraft, J. H.	Hume, J.
Campbell, hon. G. P.	Hurst, R.
Carter, John	Hutchinson, hon. C. H.
Cavendish, ld. G. A. H.	Kennedy, T. F.
Cavendish, lord H. F. C.	Leycester, R.
Chaloner, R.	Leader, W.
Colborne, N. W. R.	Mackintosh, sir J.
Darke, T.	Marjoribanks, S.
Dawson, W. J.	Martin, J.
Denman, T.	Milbank, M.
Edgington, vis.	Moore, F.

Newport, si  
Nugent, lon  
Palmer, C.  
Pares, T.  
Parnell, sir  
Powlett, ho  
Poyntz, W.  
Ricardo, D.  
Ridley, sir.  
Robarts, A.  
Robarts, G.  
Robinson, s  
Rowley, sir  
Rumbold, C  
Scarlett, J.  
Smith, J.

#### HOT

KING'S  
COUNT ST.  
Chancellor  
the followi

"Groom  
notice of a  
made pro  
Viscount S  
to the late  
Heirs Male  
sirous that  
Earl by the  
he extend  
Viscount  
object to th  
Ordered

PETITION  
PLAINT A  
*Brougham*  
lection of  
night pres  
George Ro  
charge aga  
House. H  
sion, that  
the party  
the charges  
He had, th  
of the premi  
after hearin  
the accusat  
plicated, co  
tition. Bu  
that the p  
for informa  
House, he  
ence, and  
make the  
much grave  
nally attach  
should, as s

to that public, if he did not in consequence proceed further in this matter. The hon. member to whom he had referred for information, had written to him in the following terms:—"I know Mr. G. Rowan; he is a relative of mine. I never heard any thing against him, except the charges on which he was dismissed from his situation: and, whatever was the merit of the charges against him, there can be no doubt that they were prosecuted from the most base and treacherous motives. He is a clever, and at the same time a cautious, man." He (Mr. B.) was not at liberty to mention the name of his informant, and he therefore declined giving it. Indeed, it was not necessary for him to give it, since his informant had said nothing against the hon. member who was charged, but had only done that which he was bound in justice to do—namely, speak to the ability, and more particularly to the caution, of Mr. G. Rowan. He now thought it necessary to state, that he should either take another opportunity of presenting Mr. Rowan's petition, or else ground some future proceeding on it. He hoped that, in a matter of such importance, the House would allow him a day or two to consider of the line of conduct which it might be expedient for him to adopt.

USURY LAWS REPEAL BILL.] Mr. Serjeant Onslow moved, that the Report of the Committee on this Bill be next received, upon which, a member whose name we could not learn, moved as an amendment, that it be put off for three months. After a short discussion, the House divided: For the original motion 21; for the Amendment 26. The bill was consequently lost.

## HOUSE OF LORDS.

Monday, June 30.

MARRIAGES IN FOREIGN COUNTRIES.] On the committal of the Marriages at St. Petersburg bill,

Lord *Holland* said, that the present bill had his entire concurrence. He only regretted that it did not extend to all marriages contracted by British subjects, and solemnized in the chapels of our ministers abroad; for, although no lawyer, he had no doubt of the validity of such marriages himself, yet many respectable persons did entertain doubts on the subject; and, though lawyers when a-

plied to had to the valid such opinion with the ob no decision (that, during of the law re taken from t on the Statut nor even di setting at res of marriage abroad, or i sadors.

The Mar in opinion w necessity of subject.

Lord Col another sea some measu the question

The Earl with what b speakers.

was brough objection w was, that b to marriag burgh, it m validity of believed it principle of in foreign c of those c present bill There were might be re subjects ab made accor tive countr married in t long as the isted, marri there were effect as if the house o ing happen Petersburgl question he made there Russia, we was with a c... ..

was, as to marriages made in British factories abroad, or in the chapels of ambassadors; and, respecting these, there ought not to exist any doubt, since a short bill might be passed on the subject during the present session.

The *Lord Chancellor* said, that during the fifty years he had been in the profession, he never heard of any doubts till the late bills were brought in, whether marriages performed in the chapels of our ambassadors were valid. There was no doubt that they were good marriages; and he was persuaded that no contrary opinion would ever be sanctioned by judicial authority.

The bill went through the committee.

APPELLATE JURISDICTION.] On the order of the day for the second reading of this bill,

The Earl of *Liverpool* moved the first resolution, recommended by the select committee, for increasing the number of days during which the House would hear appeals, from three days to five days in the week.

Earl *Grosvenor* objected to the compulsory clause for enforcing the attendance of peers, and thought it would be worth while to see first, whether a voluntary attendance could not be procured. If this resolution were adopted, it would lead to a singular anomaly; part of a cause might be heard by three peers, another part by three other peers, and the conclusion by three others, who had heard perhaps little or nothing of the case, and the deputy Speaker could only give his opinion. At present, the House had the advantage of the opinion of the noble and learned lord on the wool-sack; which, notwithstanding that habitual doubt and hesitation which he had himself good-humouredly acknowledged to belong to him, certainly, swayed the opinion of many noble lords. They had also the advantage of the noble and learned earl's vote, which they could not have from the deputy Speaker.

Lord *Manvers* hoped the House would pause before they adopted this resolution; for if agreed to without modification, the House must sit all the summer.

Lord *Erskine* thought, that if the bill which had been read the second time that evening passed into a law, their lordships would, a short time, be under no difficulty at all on the subject of appeals; because if they appointed proper

no doubt) & enlightened; the court of persons of the effects might nion, the gr having broug and not point tended that occupy their might be said the interim, on by the say, nothing go on as they ed to be me and he for on change in t House should For his own fied with th judicial busin ducted by his the woollack, and learned fr he professed h the evil, but House [a la they might lo vices by death too much me usefulness, to to cause the vices. He m something of t he was as igno And yet he w any one of the appointed depu but bring to h sion. For his seventy years compelled to should, therefo adopted, leave selves.

The *Lord C* see because hi was above sev should, therefo viousness of w should not assu in the House o in the case of tiring, the mi tendance a con noble earl (*Gr* of his knowled doubts on any Scotch law;

took upon himself to taunt him with hesitation, and doubting, he would tell that noble earl, that when they were deciding causes in the last resort, and their decisions were to give the law to other courts, they could not be too cautious. The time was fast approaching when his natural life must terminate; and for his judicial life, it had already been too long; but, when the termination of his natural life did arrive, that degree of caution, which was called doubt and hesitation, would be his greatest comfort; because, by means of that caution, he had reversed decrees, and prevented the injustice of A keeping possession of property which of right belonged to B. If their lordships would compare his conduct during the twenty years which he had sat on the judicial bench, with the conduct of any of his illustrious predecessors—and he did not fear the comparison; on the contrary, he invited it—he was sure that the comparison would not turn out to his discredit. On that account he could not but feel indignation, when he was informed of the language in which his conduct had been arraigned in another place, by those who ought to have known better. It had been publicly asserted, that appeals in the House of Lords were nothing more than appeals from the lord chancellor in one place, to the lord chancellor in another. He should like to know, whether the persons who dealt in such assertions were aware that there were many appeals to their lordships from the Chancery, in cases which had never been heard at all by the lord chancellor, but which had been decided by the Master of the Rolls, or the Vice-chancellor? For instance, the great case of *Clinton v. Cholmondely* was not an appeal from the Lord Chancellor; and there were a number of other appeal cases now before their lordships of a similar description. Besides this, he should like to know whether the gentlemen in Westminster-hall had yet to learn, that lord chancellors were not ashamed to retract their opinions, when they had reason to believe that those opinions were formed upon erroneous grounds. He would undertake to say, that not one of the distinguished characters who had sat before him upon their lordships' woolsack had ever shewn the slightest reluctance to reverse his judgment, when it was to be incorrect; and he would ask, whether he himself had ever refused any unwillingly.

their lordships which he might another place scientifically that very re had been the conduct which they were had never on the contrary practice, to grounds upon sions; in enabled to ther those. And he did single case had been expressed suggested quainted had made tions which those who it, he sh acutely: those observations those who marking those who subject—into his before part of its pre upon that in common throwing were calculated the king's he was no venture to least file Having doubts at been taunted more immodestly. The bill to be co present lord chancellor him, that attend to House—ships, the fact, he was



the Court of Session. It was the peculiar happiness of the people of England, that they had a system of law, no matter how it had been constructed, and an administration of justice, superior to that of any other country. The division of the courts of law from the courts of equity was so admirable, and at the same time so necessary to the administration of speedy justice, that until something like it were established in Scotland, it would be impossible for their lordships to do enough, whatever alterations they might make in their appellate jurisdiction. In making this observation, he did not mean to reflect either upon the learning or the judgment of the members of the Court of Session—by no means. It was the system of which he complained, not of those who administered it. So involved and complicated was it, that it was almost impossible for any man who perused the different papers in a Scotch appeal, to discover what the point was, about which the parties were quarrelling. Here the learned lord entered into a description of the manner in which the papers of a Scotch lawsuit increased in its different stages; first from the summons to the memorial; then from the memorial to the answer, in which a distinguished Scotch advocate had confessed to him, that it was the practice to insert any thing and every thing the party chose; and then from the answer down, through all the intermediate stages, to the decree, by which time the papers were swollen into an immense mass.—The learned lord then proceeded to complain, that when the judges in the court of session gave their decision, they merely stated the nature of it, without explaining the reasons on which it was founded. Hence it happened, that it was frequently not satisfactory to the party against whom it was given; and it was a fact that was undeniable, that appeals were often made from Scotland to their lordships, in order to discover the reasons on which the judgment rested in the courts below. He had once thought, that the establishment of a court of error in Scotland, by calling in all the judges to review the case which had been decided by a portion of them, would tend much to diminish the number of Scotch appeals. He had been since told, that such a measure was not likely to be the result of it. Indeed, the expense that had been made to it was enormous. But he could not see his way, since at present an

appeal could be taken from the Court of Session to a higher tribunal, which would be, the whole court had, however, he now said, the plan of the House, “If of you any of you have, please to examine whether than your excellency that one noble might be examined by their lordships could be done better; but He had now causes for for he had been of importance of the Justice of the tended regular the House; as had been charged him with diligence. Except he would say attention, not that House, when he was thoughts from elsewhere, but which their much more in that experience said that the merous appeals the courts below in that House some such remedy possible that opened to be in taken. The lord to offer a few upon the court trusted their lordships consider him a court, as an in opinion upon nation was in a generally attended a more causes be under the present the court of impossible for only attended

to perform the duties of his situation, in any manner at all adequate to their importance. The question then was, what relief could their lordships give to the individual who filled that distinguished office, in the discharge of his two-fold duties—he meant those in the court of Chancery, and those in the House of Lords, as its Speaker? He believed that if the constitution would allow of it, the best thing that could be done would be, to prevent the Scotch causes from coming into the House of Lords at all; but as, according to its constitution, that could not be done, the next best thing for their lordships to do, would be to try the present experiment. For his own part, he thought it would fail: but still, on account of the great interests involved in it, it was only due to the country to try it. The learned lord then alluded to the projects which had been started for dividing the duties of the lord chancellor. One of them was to prevent the office of lord chancellor, and that of Speaker of the House of Lords, from being ever vested again in the same person; and another was, to abstract from the lord chancellor part of the duty which he was now in the habit of performing. With regard to the first of these projects, he would assert, now at the close of his official life, that which he would not have ventured to assert so positively at its commencement—that he had never known any man in the profession who had not deprecated the separation of the two offices of lord chancellor and Speaker of the House of Lords. Against that project, therefore, he opposed, not merely his own individual opinion, but the collective wisdom of an acute and intelligent profession. With regard to the second, it became necessary to consider, what part of the business of his court they would take from the individual filling the office of lord chancellor. He believed it was proposed to take away one of these three divisions of its business—cases of lunacy, the appellate jurisdiction, and bankruptcies. He would begin with the last of these. He had understood, that it was the opinion of some distinguished characters now no more, and for whom he felt the most profound respect, that the bankruptcy business at least ought to be abstracted from the lord chancellor. From that opinion he dissented most widely; and to any proposal to carry such a scheme into execution he would not assent. The

lord then sent, and upon the whole a ton below the cases, in the decision of the privy council to say that a great injury to nobody who would subject would jurisdiction present.

various observations upon this making that was lord. But that such it was impossible to silent with doubts as

Earl (tended want of the land. ledge of ledged, man to doubts a which upon lord had humour, never did learned equal justice they let which w tory proceeding stance, for the

The mentioning profound and his ing it, Scotland learned a rude a a system most common system during



curring within the last year, which he thought was likely to increase it even still more. In the year 1784, a case had been tried by the Court of Session, and after it had been argued by the most able men at the bar, had been unanimously decided upon by the judges of that day. The judgment was not disturbed until the year 1818. The case was then reheard by the Court of Session, and again the judges came unanimously to the same decision as before. An appeal was presented to this House, and, strange as it might appear, it was however not less true, that by its authority the unanimous decisions of the Court of Session on two different occasions were rescinded. After contending that the knowledge of such an event would encourage those who felt themselves aggrieved by any judgment of the Scotch courts to appeal to their lordships, he proceeded to object to any attempt to separate the office of the Speaker of the House of Lords from that of lord chancellor. He objected to it on two grounds:—first, that it would tend to bring the House into contempt with the public; and second, that it would increase the evil which it was intended to check. The only remedy which suggested itself to him was, to remove the appellate jurisdiction, with respect to Scotland, from their lordships' House altogether. The learned lord seemed to approve of this remedy, if it were not objectionable on the ground of its being contrary to the constitution of the House; and the learned lord had added, that their lordships had no right to disencumber themselves of that duty. Now, he would maintain, that their lordships had the right to remove that duty from themselves if they pleased. The noble lord then went into a series of arguments to prove that this right was in their lordships; and amongst others he urged, that in the act of Union with Scotland, there was no mention whatever of the right of appeal to their lordships' House. That right he, therefore, contended might now be refused without injustice.

Lord Melville contended, that the recommendation of their lordships' committee was not for an alteration or remodelling the constitution of the House. That which they recommended was quite consistent with the practice of their lordships. The same objection might be made to the appointment of a lord-keeper in the House, or to the temporary of a deputy Speaker in the

absence of a deputy Speaker. It would be a common practice for it compulsory appeals was, one. By such a measure would be a business despatch on to contend possessed the lordships' House essentially recommended. The fact was the practice of it from that house result of the given great service at the bar, and the land.

Lord Holland to the first part of the common protest against so on two grounds understood that put to the effect which he contended that they through negligence of not deserve. the manner in which recommended on the woolsack this the best part —“but,” added any noble lord was certainly a recommendation. A case had been appointed for the alleged after producing the best, they devise a better their lordships his cook ordered a bad dish was to be asked himself could not was exactly the cooks to whom of preparing the not recommended ships “if they as it was, he He would not should preside minister the But he was to constitution of commoner might

same situation. It was but a weak defence of the proposition, to rest it upon an accidental defect in the constitution of the House. It reminded him of the answer given by Mr. Burke to a gentleman who was objecting to the complaints of the Americans—that they had taxation without representation: the gentleman observed, that the Americans had virtual representation, and that in that respect they were not worse circumstanced than the people of many parts of England. “That,” said Mr. Burke, “is pointing out to them the shameful parts of your constitution, and telling them to look up to those with respect.” It was the same case here. Their lordships were now telling the Scotch people to look up to what was a defect in the constitution of their lordships’ House, and be contented with that. The noble lord then went on to contend, that the Scotch people had the right of appeal to their lordships, and that it would be an act of injustice to fritter it away, by sending them to a sort of tribunal, which, acting in their lordships’ name, could not be said to give its decisions as those of the House of Peers. The people of Scotland were satisfied with the manner in which justice had been heretofore administered to them, but they would not be satisfied with this new species of justice. Would they not justly say, if this innovation upon the constitution of the House of Peers were to be carried into effect—“Why do you give us an inferior article of justice, and keep the best for yourselves? All the appeals from English and Irish courts are to be decided in the usual way by your lordships; but our appeals are to be pronounced upon, and decided, by an inferior tribunal, though acting in your lordships’ name?” Such a course, he would contend, would shake the confidence of the people of Scotland in the administration of justice. They had hitherto been satisfied with the decisions in their causes, because they looked upon them as the decisions of the House of Peers; but they would not so respect the decisions by the proposed novel tribunal. When he considered the situation in which their lordships would be placed with respect to the proposed new deputy president in Scotch cases, and the situation of the deputy with respect to them, he was strongly reminded of the words of Shakespeare in describing the *ne plus ultra* of human folly, Justice Shallow and

his assent him, do but tices; he, turned in. He could the Journ resolution sect in th which he contend, Union, th of Peers their lord he did no recomme in their p have a co they not their lor degradat president body. I cidedly

The d morrow,

H

PRIV. presente ford, pri of Priv stated, in one c had late abuses & material variety those o refused wanted.

Mr. I municat had been and, fro the subj liament. houses & the door unfortun In his o to put t crease ti to such nish the highly h many ca Warbur three dil

Mr. *Brougham* said, that private mad-houses were establishments almost necessarily open to abuse; and where abuses did exist, it was most important that they be hunted to detection. At the same time justice was due to a number of highly respectable medical men, who were proprietors of houses of this description, and among others, to Mr. Warburton, with whom he was professionally acquainted. In the course of his legal practice, he had frequently seen Mr. Warburton examined in courts of justice; and his character stood equally high, both for medical skill and for humanity. Now it appeared that Mr. Mitford had himself been confined in a mad-house as a patient; and it should be recollected that a man might sufficiently recover from an attack of insanity to be discharged from confinement and yet not be in a state to appreciate, dispassionately, the very treatment which perhaps had been conducive to his cure. It frequently happened, that actions were brought against the keepers of lunatic asylums by people who had recovered under their care. One word as to Mr. Mitford. He had spoken of himself as the author of a book on the subject of mad-houses; and certainly he was the author of as scandalous a publication as ever had issued from the press. The work in question was filled with the most slanderous anecdotes, and with details too disgusting to be repeated; and the names of persons of high respectability, and even of young ladies of rank, who had been visited with that dreadful malady, the privation of reason, were treated in a manner deserving the severest reprehension.

Mr. *Pearce* saw no ground in the present case for establishing an inquiry. To suppress private mad-houses, would be to create an evil greater than any which such a course could remove. Confinement in a public institution, under any circumstances, would always appear to many a very severe infliction; and the attempt to abolish private mad-houses would inevitably lead to the confinement of lunatics in private houses—an arrangement under which every facility to abuse would be increased. Upon the petition before the House, he would only say thus much—that a variety of statements had been presented to him, in his time, by persons, sane to all appearance, complaining of abuses practised in mad houses; he had examined into these statements over and over again, and he had, in almost

all cases, discovered a shadow.

Mr. *Benn* said, that he was not the right holder of the right, but the very slight account of the account of the insane; but that further houses were however, although they had obtained little, but they had obtained little persons who could oppose reform in the expectation of until Providence move them in respect to the Mitford, and appeared in his some assertion to be untrue burton would Mr. Mitford's

Mr. *Wynn* was well worked. It had been ordered; and the Lords, relative of this description to say, had not been extremely brought forward by the hon. because he believed that there might exist in the minds, they were conducted. Their efforts being reduced to a certain course adopted; and after that they should have exclusive reception of persons with the malady, than that in private lodgings keeping of individuals versant with the want of the treatment extended to it gave them medical the mere power of strength.

Ordered to be

SCOTCH JURIES  
having moved  
bill,

Lord.



system, he admitted, required change; but not such a change as was contemplated by this bill. It was a puerile species of legislation, to come down with a measure, not absolutely to do away with a certain power, but to cast a slur on the manner in which it was exercised. He felt strong objections to nominating the jury by ballot. The hon. member for Knareborough had, on a former evening, said a great deal about the advantage which would be derived from nominating the jury by chance; and he had alluded to the mode of appointing committees of that House, which was done by ballot.

He (lord B.) looked upon that to be the very best mode of appointing committees in cases of contested elections, &c. But, would any man like to go to trial before a jury so formed? Several petitions had been presented on this subject by the hon. member for Aberdeen, who had prefaced their presentation with speeches which reflected on the way in which the law was administered in Scotland; and his noble friend (lord A. Hamilton) had cast reflections on the judges, to whom he attributed motives of a personal nature. Now, as he considered all those insinuations to be unfounded, he looked with great jealousy at every measure which seemed to throw a slur on the judges; which the present bill did; since it took from them a duty, which they had exercised from the time of Charles 2nd; and which had heretofore been acted on for the benefit of all parties.

Mr. *Abercromby* said, that the noble lord, in opposing this bill, had not stated his real objection, which could only be guessed at. The noble lord was adverse to the appointment of juries by ballot, because it would be a matter of blind chance. Now, it was for that very reason that he (Mr. A.) approved of it. To him it appeared to be, as it would depend entirely on chance, the fairest mode that could be proposed for nominating a jury. He could not argue this point, since the noble lord had advanced no reason for his opposition. All he said was, "I don't like this proposition, and I won't agree to it." The noble lord admitted that a change was necessary. If that were the case, then the question was, how it could be effected. The present measure had been considered in the committee that could be devised; why the noble lord's objections on

was, how committee that the noble lord's opposit

Mr. *Sec* bill could be that of the nothing to in fact an *ar* against his was—whether proposed to of the crim bill, was or very serio passing th before two member v amendmen jury-books so that be letter B, t under the might be [a laugh] jury of th assault, or feuds, hav that there difficulties into effect prudent i so consid law of Sc late in th opportun it.

Sir J. mission o who had selection novelty v be founde a fortuito right hon prove of hon. and adopted most ur ballot. I gentleman

put off the proper remedy, was proposing the continuance of an evil to Scotland which he himself did not justify, and which was generally reprobated.

Mr. Canning could not allow that his right hon. friend was bound to approve of this bill, because he disapproved of judicial selection; especially as he had opposed the second reading of it, and the committee upon it. For his own part, he disliked the present mode of selection by the judges; not because any thing improper had been, or could be alleged against it practically, but because he considered that mode unsightly, and unseemly in theory. But he by no means wished on that account to be considered an advocate for the ballot, to which he felt strong objections. He did not consider himself sufficiently acquainted with the details of the bill, to warrant him, considering the important measure it comprised, in giving his support to it. He thought the subject could not be safely determined upon until next session, when, if he found the objections removed, he would give his concurrence to some modification of the system which now existed.

The House divided: Ayes 60. Noes 55. The bill was then read a third time, and passed.

SCOTCH COMMISSARIES COURTS BILL.] The *Lord Advocate*, in moving that the order of the day be read for the third reading of this bill, took the opportunity of entering into an explanation of the object and provisions of the bill. He observed, that it was by no means intended to abolish by the bill the forty-three Commissary Courts, but to transfer the business of them to the sheriffs depute. This would be generally advantageous; as it would have the effect of allowing the cases of litigants to be tried nearer home.

Lord A. Hamilton complained of the manner in which the learned lord had conducted business in the present session, which was such, that bills arrived at their third reading, without any chance of an opportunity to any hon. member to deliver his sentiments upon them. The necessity under which the learned lord had just felt him- of explaining the self of the necessity of moving the

reading, was fact. With , the learned

lord had, on that the fault That he poi

pealed to his ther he had during two n give his opi was an orig been fully

Was that a was that a pi which to pre ance? He

the only tw present woul support to s think that th the report of material poi gard to the quiring fees.

the Procurat the reports c to be aboli

this recomme been given by tion. Why

mitted in such when the co the office of

ceased to be Another impo bill, was the

sons deprived of the Commi made in 180

mended, that should he wit might, subse

appointed to reservation b bill? He w

was favourabl although he w which it had l

self last year a measure of had afterward

not help expre the learned l which the co

in their repor from the year The governme

ful of its duty go on year aft remedy. It v

three lord-adv express himsel brought in an

from that period till the year 1823 nothing had been done. And now, when the learned lord undertook to remove the evils, in what manner did he attempt to do so? The first step in this bill involved a principle which he could not conceive how either the learned lord or his majesty's ministers could sanction. It did not direct what other persons were to do in obedience to the legislature, but it gave authority to certain individuals in Scotland to legislate themselves, merely with this provision, that they were to have regard to the report of the commissioners. The main object of the bill was, to abolish the inferior commissary courts; and if the learned lord meant that the sheriffs and stewards should perform the duty of the commissioners, why did he not lay the expenses which would be thus incurred before the House? This course was recommended in the report of the commissioners; but instead of that, the learned lord delegated a power to the lords of the court of session to determine those expenses. With respect to the courts of the sheriffs, the learned lord there again delegated the power to legislate to the court of session. The regulations of those courts, instead of being framed by the learned lord in conformity with the recommendation of the commissioners, and embodied in the bill itself, were to be submitted by the sheriffs to the lords of the court of session for their approval. If, then, there should, on this point, be any difference of opinion between the sheriffs and the lords of the court of session, the present measure must prove abortive; for the only guide which the lords of the session had was, the report of the commissioners. It was true, that the sheriffs were to record those acts by acts of *sederunt*, but the learned lord ought to know, that the people of Scotland considered all acts of *sederunt* as encroachments, and therefore as obnoxious to their rights and privileges. The present bill, however, not only went to multiply those acts now, but to render them necessary in all times to come. Why had not the learned lord avoided this course, by first ascertaining the collective wisdom of the court of session, and submitting it to the House before he brought in his bill? The power of legislating would then be placed in parliament, and not delegated (as it now was) to the judges of an inferior court. A clause, indeed, was introduced by way of *salvo*,

providing made by t laid before the e next met, come law why did n informatio body it in present st to which the House which con under the not help s to compe persons a commissio haps, be visions of sideration have their of the Ex their lega stand whi instance; that any a right to the baron each of t annuity, which th say, that stage, ha its prese creditable and shoul

Mr. K. not be in the noble Some of t ever, wer As to the importanc The distr the comm the rever frauded t ministratio structed.

the situat bred to th gentlemen to discha bill, posse thir m m g

Mr. Kennedy objected to several clauses of the bill. One of these transferred the duties of the commissaries to the sheriffs, who were enabled to depute their power to their substitutes, who again were to do the duty without granting them any additional remuneration. He could not allow that opportunity to pass, without observing that sheriff substitutes of Scotland were a very respectable body of men, but very ill paid; and he hoped that their situation would soon be considered in the proper quarter, and that a provision would be made for them, more suitable to their station and the various important duties which they had to perform.

The *Lord Advocate* concurred in what had been said by the hon. member, with respect to the respectability of the sheriff substitutes, and was anxious that a suitable addition should be made to their incomes; but the hon. gentleman must be aware that it rested with the treasury to give that compensation.

The House divided:—Ayes 56. Noes 21. The bill was then passed.

ROMAN CATHOLIC ELECTIVE FRANCHISE BILL.] Lord Nugent moved the order of the day for the further consideration of the report upon this bill, with the intention of recommitting the bill. The House then resolved itself into the said committee. Upon the chairman reading the first clause,

Mr. *Baukes* regretted the necessity he was under of opposing this bill, because he felt that its object was, to confer political power, and not a mere qualification for office. He could not see the distinction between the franchise of electing and that of being elected. If parliament chose to extend to the Catholics the one, they ought also to grant them the other, and at once concede the privilege of representation. The hon. gentleman then cited the authorities of dean Swift and Burke, to prove that it was absurd to suppose, that one political concession could be made by such a government as ours to Roman Catholics, without all other concessions in church and state following as matters of course. He understood it to be a favourite proposition with some hon. gentlemen, that the numbers of those professing, and not the truth of the doctrine, ought to determine what the religion of a state should be. According to that proposition, therefore, the religion of the state ought to be Roman Ca-

tholic, seeing that no attempt was made to advance the cause of the Protestants; or given to the Catholics? They stood in a similar position, the non-Catholics, and on the other hand, the Catholics, who claim for an equal franchise. Now, the question of Ireland, but he would not say whether any measure should be created to increase the population of Ireland, a measure of infinite and uncertain tendency? The question is not to the notoriety of an established Jesuits—a measure for their perseverance in order to the generally apocryphal education of the people, or to the tendency of their expulsion which they have re-established especially the existence in the country to induce the Catholics to do any thing but to hope and so to become a decided enemy. For the consideration of the bill now called upon, no one should be allowed to give his decision.

Mr. *Hudson* said, that the motion of the hon. member was a little relevant to the House. His object was of granting an increase of the number of Catholics would be an inconsiderable number of Catholics over the Protestants perceptibly. Mr. G. said, that the borough which was prevented from

fluence of a Catholic lord in the neighbourhood had been sufficient to decide the return. In counties it was much the same. Catholic landlords of ancient families and ancient possessions had great influence; but the votes they would carry were votes of Protestants. As to the anomaly of persons being able to vote for members of parliament who were disqualified from sitting in that House, it was the case with the whole body of the clergy; and he did not conceive that his hon. friend opposite, the member for the University of Cambridge, could be greatly shocked with this equal inconsistency.—Mr. G. regretted that the noble lord had been prevailed on to except Scotland from the operation of his bill. The Catholic heritors there were very few, but of the highest respectability. The words of the act of Union which had been quoted, appeared to him to bear as much upon the question as the union between the Scots and the Picts. And, at least as one proof that the spirit of John Knox was not to be attributed to the whole church of Scotland in these days, it was a curious fact, that, after the failure of the negotiations at Chatillon, when the plenipotentiaries, assembled there, put in their demand to the French government that the pope should be restored in entire liberty to his full powers, the instrument was signed but by one Catholic, and by two Scotch Presbyterians.

Mr. *W. Peel* supported the bill, but protested that he would not go one iota beyond its provisions, in the way of concession.

Mr. *J. Smith* said, he well knew that the hon. member for Corfe Castle was generally opposed to all concession, under any circumstances, to Roman Catholics. Now, if he (Mr. S.) were called upon to point out any one body of men, whose political and moral conduct had been for ages most irreproachable, he should turn to the English Roman Catholics. He was extremely averse to inflicting any penalty upon men for their religious opinions: and he could easily instance the folly of such a policy. He had the pleasure of knowing a great many individuals among the society of Friends, called Quakers: a body of men more excellent, more upright, and of greater correctness in all their dealings, could not be named. This character was generally admitted to them; and yet he wondered how they had existed so long in this country, seeing

how  
religi  
Rom  
lar ca  
varia  
socie  
that  
cheel  
when  
make  
culat  
a son  
reme  
ostler  
be so  
insol  
the n  
with  
—“]

it ma  
passio  
refrac  
water  
five n  
monit  
thy h  
poste  
on th  
judice  
religi  
our o  
not u  
try tl  
duct l  
them  
and h  
the pi

Mr  
to the  
cipati  
before  
fallen  
Castle  
any d  
shoul  
princi  
fessed  
upon  
the Ca  
them t  
ment.  
seeme  
with e  
Corfe  
in in ]



were already thousands of men in the country, who could vote for members of parliament, and yet could not sit in parliament themselves; and *vice versa*, there were many who were competent to sit in the House, who had not, nevertheless, the qualification for voting. Again, as the hon. member for Newtown (Mr. H. Gurney) had stated, there were the clergy of England, a whole body of individuals who were excluded by law from being elected to parliament, although they possessed, or might possess, the elective franchise. As for danger in the present measure, he saw none; and he denied that it bound its advocates to support any ulterior measure. The Catholics of England were few in number; and even taking Lancashire, the county in which their party was strongest, he did not believe that they would have influence enough to return a single member to parliament. There was nothing in the ancient law of the country, to oppose the grant of this cession to the Catholics; nothing anomalous in granting it. The law of exclusion at present was one of the very worst character. Its enforcement depended upon the pleasure of individuals, who could never make use of it upon public grounds, or upon principle; because the individual who barred the Catholic from voting was always the party against whom he was going to vote. If the exclusion were to continue, he would prefer seeing the *veto* made absolute, to leaving the law in its present state; but, as he thought that one admission could do no possible mischief, and that much advantage would accrue out of that community of feeling between Catholic and Protestant which the bustle of an election would produce; he should give his hearty support to the measure.

General Gascoyne entertained the highest opinion, personally, of the English Catholics; but looked upon the measure before the House as part only of a new system. He could not help regretting the support given to it by the right hon. Secretary, and thought that the opponents of Catholic Emancipation generally would differ from him decidedly in opinion.

Dr. Lushington supported the bill, and warmly expressed his feelings in favour of the Catholic genera

Lord Binning was happy to join in an  
ta  
al  
He wished  
land had been  
As the exclu-

sion of that c  
teed by the  
pressed for t  
before the H  
same time, a  
Union, and  
with all the c  
felt for it as  
not think it  
mitted to pe  
course of inj

Mr. Gooch  
lics who were  
but he must  
restrictions pl

Mr. Smyth  
to the House  
the bill, but l  
speech of the  
should suppor

Mr. G. Bar  
of the noble  
proved that tl  
lics were not  
sure. He he  
hon. Secretar  
his assent to it

Mr. W. Sm  
to be appreh  
hoped to see  
ing of justice  
ulterior measu

Mr. Butler  
not consent t  
the House.  
boon now call  
step towards  
sions to the  
rest satisfied  
still greater  
truth of his as  
to the fact, th  
chise was ext  
Ireland, they  
extensive privi  
that those righ  
should be gra  
considered the  
not to have un  
fears which we  
the Catholics  
as they ever w  
spirit still pre  
So much were  
orders among  
Jesuits had bee  
of Europe. I  
the kingdom of  
narch wished t  
the Protestants

complained against the adoption of any such measure, as trenching on the prerogatives attached to their religion. He was a sincere friend to religious freedom, and therefore he opposed this bill.

Mr. *Hume* rose to protest, in the strongest manner, against the species of argument made use of by the hon. gentleman who had just sat down. Such observations were unfit for any man to make; but as the hon. gentleman was himself a sectarian, and enjoyed all the benefits of toleration, he was doubly criminal in harbouring sentiments so intolerant. The hon. gentleman had expressed his dread of the Jesuits; but he would tell the House, that there was a class of Protestant Jesuits who were much more to be feared. The church establishment had much greater reason to apprehend danger from the sect to which the hon. gentleman belonged than from the Catholics. There was not a point that could be favourable to their interest, or by which they thought they could undermine the established church (notwithstanding all their declarations of devotion to it), that they did not, most assiduously, endeavour to gain. He looked upon the Methodists to be the Jesuits, above all others, from whom the church of England had most to apprehend. It was quite clear to him, from the observations made by the hon. gentleman, that it was impossible that he could have a particle of tolerant spirit in his breast. The whole of his speech breathed nothing but persecution. He again asserted, that the government ought to look after the Methodists, instead of the Catholics. For the last fifty years they had shown themselves most anxious in making proselytes, and most assiduous in their hostility to religious liberty; and he must say, that he believed no Roman Catholic had ever expressed such intolerant opinions as the hon. gentleman had uttered that night.

Mr. *Butterworth* said, there was no necessity for him to defend himself against the attack of the hon. member. The sect to which he belonged was highly complimented by the censure of a gentleman who had defended the principles of *Carlile* in that House.

Mr. *Hume* said, if the hon. member attended to facts, it would be much better. He had never defended Mr. *Carlile's* principles. The statement was not true [Hear].

The Chairman said, that the hon. mem-

ber was in  
of person  
Mr. *H*  
stands up  
true, I h

I declare  
an asserti  
which is

The c  
tion 89.  
then repo

H

APPEL  
journed  
specting  
resumed

Lord  
ing been  
mittee,  
consider  
servatio  
which i  
your lor  
cessarily  
tive me  
for pre  
peals; a  
mediate  
pensabl  
appeals

The  
rately to

As to  
majority  
and suc  
sent em  
little or  
possible  
ing the  
of Sessio  
ed to se  
of fact;  
an inter  
in other  
land fin  
questior  
as the si  
resort.

How  
complish  
investig  
judge of  
and to  
purpose

lordships to the present state of our appellate jurisdiction.

As to England, prospective measures have also been suggested, respecting the administration of justice in the court of Chancery, from whence the English appeals chiefly proceed, and with a view to the same end, though by means somewhat different.

The first of these measures, a revision of the practice of the court of Chancery, has, as I understand, already reached the first stage of its progress; and a complete report has been made to the noble lord on the woolsack, of all the regulations established from time to time by those who have heretofore holden the great seal; upon the foundation of which report, that noble and learned lord may, in conjunction with the other two judges of his court, proceed to make great improvements in the administration of justice in that court.

Another measure, more directly bearing upon the object before us, is to make the decisions of the court below final, in certain cases to be limited and specified.

Other measures also, for transferring particular matters to the cognizance of other courts and judges may be of great advantage, and chiefly by allowing to the lord chancellor more disposable time for the service of this House.

Some branches, however, of the lord chancellor's jurisdiction cannot be separated from his office, without great detriment to the public interest; more especially those of lunacy, bankruptcy, and his visitatorial authority; besides other high points of his jurisdiction, for which time must be always sufficiently provided.

But, my lords, whatever benefit may result from these prospective measures, it is manifest that they must be comparatively of slow operation; and we must at once enter upon some immediate arrangements for disposing of the mass of appeals now depending.

A larger allowance of time, for hearing appeals, is the first and most essential requisite; and to this, we doubt not, your lordships will accede readily; we could have wished to propose six days instead of three; but five appear to be quite indispensable.

With the necessity of a more frequent attendance, comes the necessity of enforcing that attendance; and we have conceived that a rota of three lords for each day, taken by ballot, is perhaps as con-

venient as leaving it to solicitation.

Still, however last and greatest shall preside shall be able the chancellor of Chancery for the time appeals would.

If that be to resort to which by the exists; and chancellor's be therein named as Deputy Speaker given to him the Journals person, when purposes, must from the House and deliver him he is to be called House for the

That such is I entirely con thinking; the named in such is unquestionable of this sort of chief baron A hear appeals, in which he and the lord of House Speak that cause; at Atkins resum with the rest cording to our a Speaker may sellor called by mitted by the his opinion.

our practice of to the judges though accord of summons, I reasonably doubt may not also which actually But at all even the same power been exercised who have sat for lor or lord keep many years, and

upon the largest number which can be allotted, consistently with practical convenience.

Lord *Redesdale* said, that the accumulation of appeal business was not attributable to any delay which took place, but to the increasing population and wealth of the empire, and the consequent increase of litigation. The due superintendence of justice in that House had been of great importance in preserving the due superintendence of it in the courts below. He was convinced that it was the bad amalgamation of the Scotch feudal law with the forms of the Roman civil law, that had led to so many appeals from Scotland. That unnatural amalgamation had given rise to a protracted form of action, and to a mass of papers that had been well described on a former evening by his learned friend on the woolsack. Indeed, the lord president of the Court of Session had stated, that he was completely embarrassed by the accumulation of papers which came before him; and had complained that, after hearing cases during the day, he had to read during the evening a mass of documents amounting in the year to 27,000 closely-written pages. The committee had thought it right to issue a commission, to inquire whether any beneficial change could not be effected in the law of Scotland. He did not believe that the lieges of Scotland were so hostile to the trial by jury, as a noble lord had represented them to be. He was, however, of opinion, that the trial by jury ought to be administered by the Court of Session, and not by a separate court as it was at present. There would have been no arrear of appeals, if only the due proportion had come from Scotland; and therefore, if any method could be devised to prevent Scotch appeals from being brought before their lordships on points of fact, instead of points of law, no arrear would in future take place. The abstracting of the lord chancellor, for three days in the week, from the court of Chancery, must prove highly injurious to the suitors in that court; and it was a debt of justice which the people of Scotland owed to the people of England and Ireland, not to let the accumulation of their business prove a burthen to the suitors in the English and Irish courts as well as in Scotland. If any of their lordships could suggest a better plan, he would be glad to hear their consideration, and if they could embrace it; but

if they could to try it; if for this—the no bread.

The *Lord* man in the v attendance c hearing of duty; but I knew the bu duty, along the other co

Lord *Ellenborough* they heard lords, the themselves. impossibility week to app attention to there must b he would ask deputy to hear alternately? they might causes, and g nions on the opinions of the most im Deputy Spea were to have three peers a case, and th might hear th three more, upon what th great inconvenience lordships, gre ties, and the Peers, as a co lost.—The n tend, that th have the effect diminishing, hearing appes session, the i to be put in their attenda cording to th were drawn. the names of tant parts of for the first would be rec that effect. I be lost, before could be com be recollected rather prefer to the greater an early period

thought it would be better to leave the attendance to the honour, and sense of duty, of their lordships.

Their lordships divided: Contents 27. Not-Contents 11.

## HOUSE OF COMMONS.

Tuesday, July 1.

**BRITISH MUSEUM.]** The report of the committee of supply was brought up. On the resolution, "that 40,000*l.* be granted to his majesty, towards defraying the expense of buildings at the British Museum, for the reception of the Royal Library, and for other purposes, and for providing for the officers of the establishment of the said library, for the year 1823," Mr. Banks moved, as an amendment, "that the same be paid without any fee or other deduction whatsoever." This was agreed to.

Mr. *Hobhouse* said, that the hon. member for Corfe Castle had objected to his hint about placing the royal library at Whitehall, that the banquetting-room was unsuitable for such a purpose, from its construction as to windows, and from the impossibility of making reading-rooms near it. Now, the banquetting-room at Whitehall was 115 feet long by 60 broad, and 55 feet high. It was the largest room in England except Westminster-hall, and would contain the whole of the collection in question. He had his information upon this point from a gentleman whose means of knowledge were perfect; and the words in which that information was conveyed were these—"The hon. member for Corfe Castle is as much mistaken as to the banquetting-room at Whitehall, as he was in supposing that marble could be burnt without the aid of a kiln." In fact, it was a little surprising how the hon. member had fallen into that mistake; because there was scarcely an ancient marble now remaining in the world, which had not been dug from some house or situation which had been consumed by fire. For himself, he still thought Whitehall incomparably the better place for the library; and was averse to spending money upon such a piece of patchwork as the British Museum.

Mr. *Croker*, on rising to move an amendment, expressed his general assent to what had fallen from the hon. member for *Windsor*. He thought the British contrived, inconvenient, I wished very much

to remove the situation. The he was content the models an stand in the p taste, Russell place of dept build up the o and suffer the thrown open wards forming which could n purchase of t amendment w conclude was there would t posed to place of the buildin they were to t lords of the 1 as no slight to Museum; nor such. The bu partments of t were subject Treasury; and bridge, towards contributed 10 under the same as an addition lution, "but any such build that a general timates, be pre and subject to t of the Treasury the reception o the British Mus which may, fr necessary, shall with such gene

Sir *C. Long* t amendment q trustees of the never have tho public money, v of the Treasury man proceeded arrangements o declared that th House had t the hon. m t evening, they t invention, rather his statements wanted; for si offered his colle it had been dec to put it in. Th gentleman had t



and Mr. W. Smith, the House divided on Mr. Croker's amendment: Ayes 80, Nays 54.

Mr. Wynn opposed the bringing up of this petition. It contained charges against an hon. member of that House, which, if true, would expose him to a criminal prosecution, and the constitution had provided a proper tribunal for the investigating such accusations. If the House should proceed upon the petition now before it, they could only do so by examining witnesses as to the truth of the allegations, and afterwards directing the attorney-general to prosecute. This they could not do without expressing an opinion upon the subject; and he called upon the House to consider, with how great a prejudice they would afterwards send a person to his trial by a jury. Another ground of objection was, that his hon. and learned friend had not stated that this charge had been brought before the notice of the public. On the duty of the public, he said, was to cut. On the one side, he said, state, and on the other, to screen.

Mr. Brough allowed to be fully aware of being pointed out in the court that House; he could not friend's observation and not that the House of being against its own distinct charge by a minister in the case of censured by the offence, and directed his general, although impeachment. would say, the public treasure case—that of the House is and a contract board; but not tory. He tuns of beer, having received The House expelled the proceeding ney-general to was sent upon votes of the H under the addition of expul ance did he ( he thought a m. with a better c prosecution by pursuance of a thought, now which he admit refuse to recu day should be attorney-general prosecute, and be got rid of.

Mr. Wynne and  
the guardians of

tion. So far from the government having used any undue rigour towards the petitioner, he (Mr. F.) believed that the then Secretary for Ireland had stretched his authority in his favour.

Mr. *Peel* said, that although he did not recollect the particular facts of the case, he was certain the object of government in dismissing the petitioner was not to provide for any other individual.

On the motion that the petition do lie on the table,

Mr. *Wynn* observed, that he could not perceive the propriety of allowing the petition to lie on the table, unless it was intended to follow it up by some further measure. He, however, did not see what measure could now be adopted, and therefore thought it useless to place the petition before the public.

Upon the question that the petition do lie on the table, the House divided: Ayes 26. Noes 51.

#### *List of the Minority.*

Brougham, H.	Money, W. T.
Bennet, hon. G.	Palmer, C. F.
Calcraft, J.	Price, R.
Forbes, C.	Parnell, sir H.
Farrand, R.	Rice, T. S.
Grattan, J.	Robinson, sir G.
Gurney, H.	Smith, Robt.
Gaskell, B.	Smith, Wm.
Hobhouse, J. C.	Tierney, right hon. G.
Hume, J.	Western, C. C.
Leycester, R.	Wood, alderman.
Lamb, hon. G.	TELLERS.
Leader, I.	Buxton, T. F.
Martin, J.	Nugent, lord.
Monck, J. B.	

RELIGIOUS OPINIONS.—PETITION OF MINISTERS OF THE CHRISTIAN RELIGION FOR FREE DISCUSSION.] Mr. *Hume* rose for the purpose of presenting a petition which he considered of great importance. But before he did so, he begged to correct an error which had got abroad respecting what he had said last night. He had been made to say in one publication, that he disapproved of dissenters altogether; when, in fact, he had only expressed his disapprobation of that sect to which an hon. member belonged. His acquaintance lying very much among dissenters, many of whom he knew to be most intelligent and virtuous men, he should have belied his own experience if he had said so. He was of opinion, that dissenters were always wrong; and, on the subject, he was exasperated by the in-

tolerance displayed alone he spoke of this coolly he had said.

add, that he should have produced, and to advocate of a was so far from person had would long as lishing them. that to attack Carlile had a prejudices, w ing and stre hope that, in take the liberty sent him as the

The petition attention of 2,047 persons gregations, of among the la House would siderable respect. Evans, Dr. Jc Mr. Barclay, A more sensible consistent with had, perhaps, the House.

any sincere belief the Christian any thing, which racter of persons was more calculated to tempt, than a ments of its wish to follow up with a motion from a sense adopted by the hoped it would the mischief of recent proceedings

The petition read; and was

"The humble signed M Christian

"Sheweth; sincere belief tion from pers nation of the e t kful t axable bl they the

ful motive, of morality, as the firmest support and most effectual relief amidst the afflictions and troubles of this state of humanity, and as the surest foundation of the hope of a life to come, which hope they consider to be in the highest degree conducive to the dignity, purity, and happiness of society.

“ That with these views and feelings, your petitioners beg leave to state to your honourable House, that they behold with sorrow and shame the prosecutions against persons who have printed or published books which are, or are presumed to be, hostile to the Christian religion, from the full persuasion that such prosecutions are inconsistent with, and contrary to, both the spirit and the letter of the Gospel, and, moreover, that they are more favourable to the spread of infidelity, which they are intended to check, than to the support of the Christian faith, which they are professedly undertaken to uphold.

“ Your petitioners cannot but consider all Christians bound by their religious profession to bow with reverence and submission to the precepts of the Great Founder of our Faith; and nothing appears to them plainer in the Gospel than that it forbids all violent measures for its propagation, and all vindictive measures for its justification and defence. The Author and Finisher of Christianity has declared, that his kingdom is not of this world; and, as in his own example he showed a perfect pattern of compassion towards them that are ignorant and out of the way of truth, of forbearance towards objectors, and of forgiveness of wilful enemies; so in his moral laws he has prohibited the spirit that would attempt to root up speculative error with the arm of flesh, or that would call down fire from heaven to consume the unbelieving, and has commanded the exercise of meekness, tenderness, and brotherly love, towards all mankind, as the best and only means of promoting his cause upon earth, and the most acceptable way of glorifying the Great Father of mercies, who is kind even to the unthankful and the evil.

“ By these reasonable, charitable, and peaceful means, the Christian religion was not only established originally, but also supported for the three first centuries of the Christian era, during which it triumphed over the most fierce and potent opposition, unaided by temporal power; and your petitioners humbly submit to your honourable House, that herein con-

sists one truth of which they are persuaded, that which have been beginning counted it day be less than in the denomination that it is no religion, which force, but

“ Your present to our holy every test applied to its purity, universal more mar and disc and claim divine bl innate ex fallibly p understa but when to rise i provoke it, and t pure trut and of th other.

“ It ap is altoget recur to The jud nature, to all ages religion; associate that they number t and unbei ledge an amongst friendly t cannot re nourable unexampl mainly ow holders an Objection: come fami and daily stimulated prohibited and large

to sceptical arguments — a suspicion has been excited in the minds of the multitude that the Christian religion can be upheld only by pains and penalties, and sympathy has been raised on behalf of the sufferers, whom the uninformed and unwise regard with the reverence and confidence that belong to the character of martyrs to the truth.

“ Your petitioners would remind your honourable House, that all history testifies the futility of all prosecutions for mere opinions, unless such prosecutions proceed the length of exterminating the holders of the opinions prosecuted — an extreme from which the liberal spirit and the humanity of the present times revolt.

“ The very same maxims and principles that are pleaded to justify the punishment of unbelievers would authorize Christians of different denominations to vex and harass each other on the alleged ground of want of faith, and likewise form an apology for heathen persecutions against Christians, whether the persecutions that were anciently carried on against the divinely-taught preachers of our religion, or those that may now be instituted by the ruling party in Pagan countries, where Christian missionaries are so laudably employed, in endeavouring to expose the absurdity, folly, and mischievous influence of idolatry.

“ Your petitioners would entreat your honourable House to consider, that belief does not in all cases depend upon the will, and that inquiry into the truth of Christianity will be wholly prevented, if persons are rendered punishable for any given result of inquiry. Firmly attached as your petitioners are to the religion of the Bible, they cannot but consider the liberty of rejecting, to be implied in that of embracing it. The unbeliever may, indeed, be silenced by his fears, but it is scarcely conceivable that any real friend to Christianity, or any one who is solicitous for the improvement of the human mind, the diffusion of knowledge, and the establishment of truth, should wish to reduce any portion of mankind to the necessity of concealing their honest judgment upon moral and theological questions, and of making an outward profession that shall be inconsistent with their inward persuasion.

“ Your petitioners are not ignorant that a distinction is commonly made between those unbelievers that argue the question of the truth of Christianity calmly and dispassionately, and those that treat the

sacred subject but although gust at every approach to they cannot wise nor safe temper of w tation; inas fine where ar ing begins.

appears to y formidable o scoffs can ra him public more is want tween freedom persecution i dium; and tioners more the intemper unbelievers fo by implication grave reasoni them in the the Christian are much mor impression up But independ expediency a cannot forbear protest against prosecutions proceeding fro tected by Al human patron influence. V honourable H tion the pros the punishme unbelievers, i tianity from th so unjustly ca tem that cou persecution.

“ And you pray, &c.”

On the mo printed,

Mr. *Butler* ministers of th signed, and of other petitione

Mr. *Hume* r by dissenters o

Mr. *W. Swi* nency of the The petition could assure hi gious opinions to each other

(Ordered to be printed.)

Mr. Hume then rose for the purpose of making the motion of which he had given notice. His object was, to obtain the admission of that principle, which he had always thought to be part of the law of this country, namely, that every individual was entitled to freedom of discussion on all subjects. At Edinburgh, where he was brought up, it was held, that any man might entertain and express his opinions, unless they became a nuisance to society, when, perhaps, they might be brought under the operation of the common law. Since the year 1817, however, a disposition had been manifested to prosecute persons for the publication of old as well as new works, the object of which was, to impugn the authenticity of the Christian faith. He was aware that since the period to which he had referred the number of such publications had increased; but he thought, also, that the progress which had been made in knowledge, and the extension of education to all classes of persons, had brought with it a remedy for this evil. Looking at the advantages which resulted from the freedom of discussion, and the part which able men were always ready to take in behalf of true religion, he thought it would be doing equal injustice to that religion and to the community, to adopt any other means of arriving at the truth than by fair discussion. He had always been led to believe, that the greatest blessing which Englishmen enjoyed was the complete freedom with which they were permitted to express their religious opinions, and to follow whatever sect or persuasion their own opinions coincided with. Recollecting, too, that we enjoyed the blessings of a religion which had been established by means of discussion, and by differing from those which had preceded it, he thought the House would act unjustly, and with bad policy, if it should now turn round upon those who differed from us, as we differed from those who had preceded us, and exercise a rigour which, in our own case, we had been the first to deprecate. Such a course, he was convinced, was more likely to generate doubts and ignorance than to give any stability to the religion. It was quite evident, that persons who wished to investigate religious subjects must meet with a great variety of opinions. Some of these might confirm their belief; while others might give rise to doubts. Now,

he wished proper to state the having the Christian ought not. When he this country England, other, he surprising that in what discussion on were found the great description. in such a wonderful and punishments in the right had themselves true religion from our other countries such religion one. W of opinion as the rule ought to be mercifulment so. They our manner against it tiously for belief. physical force; but applied, a man would believe to of this country Jews. T nied also who disobey Founder, extended. with their differed or established and the w as were to preach the was high and hope of the H.



being placed in that situation in which he would be enabled, without any fear of the civil magistrate, to entertain whatever religious opinions he pleased; and to endeavour to obtain, by fair and candid discussion, information on those points which might not appear sufficiently clear and satisfactory to him. That was the only way by which any man could arrive at a fair conviction. Religion must be implanted in the mind; and nothing but plain argument—nothing but the free discussion of points which an individual conceived to be doubtful—could either alter his mind with respect to any new doctrine, or confirm him in the truth of that which he had been accustomed to uphold. Physical force could have no effect whatever, either in eradicating new, or establishing old opinions. If there had been any thing unreasonable in his proposition, he would not have brought it forward; but, looking over the pages of the Holy Scriptures, he could not find a single sentence that authorized punishment on account of difference of opinion, or that called on the civil magistrate to interfere. The conduct of the Divine Founder of the Christian religion was entirely at variance with this prosecuting spirit. When he was pursued with bitter hate, because he preached new opinions, his prayer was, "Father! forgive them; for they know not what they do." It was in consequence of this mild spirit of forbearance, that the Christian religion had spread and flourished. It was not propagated by the great and the powerful. No; the meek, the lowly, and the humble, were its advocates; and its mild tenets made their way, where force and violence must have failed. That religion had advanced in spite of the efforts of power, in defiance of every species of persecution; and, with that great example before their eyes, ought they now to renew those scenes of persecution and oppression, which the earlier Christians had suffered with so much fortitude? Ought they to immure individuals in dungeons, for doing that which their own ancestors had done—for adopting new opinions? He might be told, "Those persons may express their opinions; but it must be done in a proper way." Now, for his own part, he knew not where the line of distinction was to be drawn, at which ribaldry began and ended. With respect to the question, ask any one who has declared their

on that subject taken place; the act sets forth the performer at a giant, who is Jesus Christ, adjudged guilty, to be subjected to the statute made by man say, after the difference of opinion on this point: the provisions of the statute carried into effect by the law. Again, by the law it was provided that tending the doctrine or impugning religion, shall be a crime. But this provision is a violation of the law. When such an alteration of public opinion is seen clearly blasphemous or calm and dignified, he knew not what should be tolerated, and, unless the law be changed, what blasphemy was no definition of any man who subject he satisfied avoided blasphemy let his intention did not expose the civil magistrate, that the law was not blasphemy to accusations punishment at less it would be no right to express different from mass of the principle had Christianity never progress which for the missionary foreign parts, sent out to the correctness of sons were sent and absurdities were reverence declared their

tious doctrines; and were, therefore, doing the same thing which certain individuals were doing in this country, who could not believe all the tenets of Christianity. He thought in this the legislature were holding out two very different measures of justice. On the one hand, they were sending out persons to various quarters of the globe, for the express purpose of calling on the natives to inquire, to investigate, and to ascertain the truth of the doctrines they professed; while, on the other, a similar inquiry was treated at home as an offence of very great magnitude. It was only by such inquiry that they could hope to benefit either their Hindoo or Mahometan subjects in India. If they invited the Hindoos to enter into every kind of discussion the most extensive that could be imagined, why should they, because a few persons in England differed from the general feeling and opinion, withhold from those individuals the benefit of that principle which was so liberally adopted elsewhere? He thought that Christianity had stood too long and too scrupulous an inquiry to be shaken in the present day. When men of the very first abilities had attempted to impugn it and had failed, he entertained no apprehension from the attacks of men who possessed neither talent nor education. Christianity had marched on with rapid strides, notwithstanding the efforts of men of powerful minds. When this was so, why should they dread the assaults of a few ignorant persons, who, of late years, had excited public attention? It was impossible that they could state any arguments, or adduce any facts, which could endanger the tenets of the Christian religion, when assailants infinitely more powerful had formerly attempted the same thing without effect. The end of discussion was the attainment of truth; and he agreed with those who believed, that the more the Christian religion was examined, the more firmly it would be fixed, and the more seriously it would be followed. Those who prosecuted persons for promulgating opinions hostile to that religion, did not check, but aggravated the evil.

He would quote the opinions of some of the most learned and pious men that this country ever produced in support of freedom of discussion. Tillotson, Taylor, Lowth, Warburton, Lardner, Chillingworth, and many placed their opinion

spect to freest in gion. Tillotson fected th to observ rected hi ribaldry a ever cou was used dispassion far of a language

"Our rel that it do tion, whi must not an honesty of her doct the open suspicio them; f nor shun us who t than lig evil; f evil, hat to the li proved i no more a wise n it, and truth an it shoul and that berty to against

"We p human Saviour men wit argumen promise the thre which a gion, ar upon th And aga version i distrust cause, o the argu dragoon

said by Lowth upon this subject. That learned writer had said, that "Christianity itself was published to the world in the most enlightened age; it invited and challenged the examination of the ablest judges, and stood the test of the severest scrutiny; the more it is brought to light, to the greater advantage would it appear. When, on the other hand, the dark ages of barbarism came on, as every art and science was almost extinguished, so was Christianity in proportion oppressed and overwhelmed by error and superstition. It hath always flourished or decayed, together with learning and liberty; it will ever stand or fall with them. It is therefore of the utmost importance to the cause of true religion, that it be submitted to an open and impartial examination—that every disquisition concerning it be allowed its free course—that even the malice of its enemies should have its full scope, and try its utmost strength of argument against it. Let no man be alarmed at the attempts of atheists or infidels; let them produce their cause, let them bring forth their strong reasons to their own confusion; afford them not the advantage of restraint, the only advantage their cause admits of; let them not boast the false credit of supposed arguments and pretended demonstrations which they are forced to suppress." This was the true ground upon which Christianity should be defended. This was the best mode of meeting and defeating those who doubted or disbelieved its doctrines. Bishop Warburton, in treating on the same subject says, addressing the Free Thinkers—"Mistake me not: here are no insinuations intended against liberty; for surely, whatever be the cause of this folly (Free Thinking), it would be unjust to ascribe it to the freedom of the press, which wise men will ever hold one of the most precious branches of civil liberty. Nor less friendly is this liberty to the generous advocate of religion; for how could such a one, when in earnest convinced of the strength of evidence in his cause, desire an adversary whom the laws had before disarmed, or value a victory where the magistrate must triumph with him? Even I, the meanest in this controversy, should have been ashamed of projecting the defence of the great Jewish legislator, did not I know that his assailants and defenders skirmished all under the usual law of liberty—this liberty you long possess!" Here

then his (M maintained maintained; instituted to and punished once to cruel the case, no lish his religi conscientious and was anx tion upon exercise of; be it observe cised by our of the civil persons who similar libert upon the pro Woolston, w That learned doctrines whi vanced, as a opinions delin the bishop of "The proper indecent, acui to be neglect neral indigna (Woolston) t will probably should go on of writing; a punishment t belongs, I hav for the honor religion. But further, the at dignation will nishment sho likely that a suffice to eng alteration of t In this way, writings of C treated. He l were low and degree. He l publications ur tion, and he numbers of th to judge. He gumentative w exceedingly co Carline had the ings of mankind lished any thin however, been and the conseq of public feelir sentiment had + T

prosecutor, and compassion had been excited in favour of the prisoner. But for those prosecutions, few people would have known the thousandth part of his writings. The attorney and solicitor-general had seen the thing in its proper colours. They had not proceeded against Carlile; because they felt that such a course would be to spread abroad the very poison which they wished to eradicate. But the Society for the Suppression of Vice and the Bridge-street Association took the matter up, and became parties to the charge of disseminating those publications. They brought forward prosecution after prosecution; until the individuals who were the objects of punishment left the court of justice, after being sentenced to fine and imprisonment, with the characters of martyrs to the cause which they had espoused. So much was this the fact, that if fifty persons more were in dungeons on account of these opinions, twice that number would be ready to come forward for the same purpose. Carlile, with all his efforts of advertising and puffing, never could have sold Paine's works to the extent he had been enabled to do in consequence of these prosecutions. When Hone was prosecuted for his parodies, 20,000 copies were sold; which never would have been the case, if they had not been brought into notoriety by legal proceedings against the publisher. In the same way the poem of "Wat Tyler," which was written by Mr. Southey, the poet laureat, in early life, and which Mr. Southey, wishing to suppress, had applied for an injunction to restrain its publication, became in consequence of that step most widely disseminated, no less than 30,000 copies of it having been sold immediately after the application. Of lord Byron's "Cain," 10,000 copies had been sold in this way. There was only one instance more which he would mention, and that was, that in the course of one week after the prosecutions the sale of works in Carlile's shop increased from 2,000 to 15,000 copies.

He would now call the attention of House to opinions delivered by an eminent divine, bishop Watson, whose writings were so well known to the public. His observations on the freedom of the press in this country, has ever been to the cause acknowledged

tical write  
infidelity.  
needs allo  
lated so  
amongst t  
clergy, to  
such diffi  
would oth  
unlearned,  
unstable, a  
ticism into  
and best-ir  
ligion has  
est investig  
its adversa  
pressed th  
in his Dis  
livered his  
being afra  
submittin  
am I from  
by no me  
on the co  
that have  
have bee  
hesitate  
been inc  
not to th  
mies. I  
deed, an  
its stren  
as we c  
such a  
them th  
and whe  
cavil ag  
please.  
in this is  
the spiri  
stood (I  
are in th  
in any o  
I should  
so great  
as to ch  
way tha  
their obj  
acknowl  
grieved,

which really belonged to the magistrate. They had a great deal to answer for in taking such a course. He regretted to see such respectable persons amongst them. He was sorry that they had allowed themselves to be misled by interested individuals, secretaries and others, who had only their own emoluments in view, and cared very little about the objects which had been contemplated by the persons who subscribed the funds.—The hon. gentleman here again referred to the doctrines of archbishop Tillotson, whom he quoted as follows :—“ Surely that Church is not to be heard, which will not hear reason ; nor that religion to be much admired, which will not allow those that have once embraced it, to hear it ever after debated and examined. This is a suspicious business, and argues that either they have not truth on their side ; or that truth is a weak and pitiful and sneaking thing, and not able to make its party good against error. A free and impartial inquiry, into the grounds and reasons of our religion, and a thorough trial and examination of them, is one of the best means to confirm and establish us in the profession of it.” The archbishop not only maintains the innocuousness of the perusal of infidel publications, but makes the reading of them almost a duty. “ If it be said,” he argues, “ that the allowing of this liberty is the way to make people perpetually doubting and unsettled, I do utterly deny this, and do, on the contrary, with good reason affirm, that it is apt to have the contrary effect ; there being no better way to establish any man in the belief of any thing, than to let him see that there are very good grounds and reasons for what he believes ; which no man can ever see, that is not permitted to examine whether there be such reasons or not. So that besides the reasonableness of the thing, it is of great benefit and advantage to us ; and that upon these accounts :—to arm us against seducers. He that hath examined his religion, and tried the grounds of it, is most able to maintain them, and make them good against all assaults that may be made upon us to move us from our steadfastness ; whereas, he that hath not examined, and consequently does not understand the reasons of his religion, is liable to be tossed to and fro by every wind of doctrine, and is misled about with every wind of doctrine. He that hath examined the light of men, and of those that lie in wait to deceive him, when he is at-

tempted he or not ; if before he has tried it, he makes a crafty man propose at once religion to the profession, doth obstinately against that braced, and As men should choose ; so should be ready if better reason ought to think be privilege from having tried by that himself, the ever was in the truth which he offered his trial—John, convinceth man and error ?”

why do ye not he spoke the if they could mistake, he would they could be

He would authority of a sonage, the That reverence Clergy, last year self :—“ I am that the extra are means in the promotion provoking dispersion of less to reflect irresolute to give which numbered in inaction and indignation when they fail to inspire minds.—Such been the undirected by religion, in this order the general the blasphemy put in circulation number and tracts in defence traduced, and



this point. He had said, "that persecution could produce no sincere conviction; and under the head, of religious toleration, he included toleration of all serious argument, but he did not think it would be right to suffer ridicule, invective, and mockery to be resorted to with impunity. They applied solely to the passions, weakened the understanding, and misled the judgment. They did not assist the search for truth, and instead of supporting any particular religion, destroyed the influence of all."

With respect to Carline, he had not been harshly treated. No prosecution was instituted against him, until he had placed over his door "The Temple of Reason;" and the dissemination of irreligious works became too notorious to be overlooked. He thought the country owed much to those private individuals (seconded by the state, who had endeavoured to disseminate such works, and to support such a moral education, as would enable the people to combat those principles. He entirely denied the truth of the argument which the hon. member had drawn from the employment of missionaries abroad. Those individuals never proceeded to insult the prejudices of the natives of other countries by any gross and indecent reflections. They adduced nothing but fair and sober argument to effect their purpose. The hon. member said, that there was no drawing a precise line in arguments on this subject. His answer was, that it was not intended to draw a precise line. Let truth go to its fullest and fairest extent; but let ribaldry and indecency be avoided. Did Christianity ever insult the country where it was attempted to be planted? No. It was distinguished by decorum, respect, and obedience to the powers that be. Even the government of the emperor Nero, one of the most cruel tyrants that ever lived, was not abused by the Christians. With respect to those who had voluntarily taken upon them to prosecute publications of this nature, he must observe, that there were many wrongs by which society in general suffered, but which were likewise so offensive to individuals, that they hesitated not to visit them with the penalties of the law.

There were also, it should be observed, certain offences, more injurious to society than robbery or murder, but which did not affect the particular of private individuals, they

did not stand for, the former purpose of virity, was a been stated judges, that together to carry where offence mischievous were acting in The introduction improper bo effectually ch individuals c purpose, and lie principles, disposition of moderation could not be likely to be th

Mr. Ricard pleasure a g his hon. friend and the remarks considerable of that speech the opinion was in common was introduced that man had a right upon abstract peril of punishment; and he admitted, that upon such totality, it ought force of law, when his hon. to quote the speech had not given he would, in that individual, the spirit of toleration to admit practical speech.

Mr. Wilber, excepts to the with levity and

Mr. Ricard Paley's only as the other cases for instance, thus, had assumed the right of validity of any who could apply law of this country could sustain prosecutions? of Carline for

Reason?" That was not a work written in a style of levity and ribaldry, but a serious argument upon publishing the truth of the Christian religion. Look again at the impending prosecution for eighteen weeks of the same man for publishing Mr. Hone's parodies, which was not abandoned until Hone had himself secured an acquittal on the charge. But, said his hon. friend (Mr. Wilberforce), in justification of these public prosecutions, there were some offences which did not directly affect private interest, although they injured the community, and which might go unpunished, were it not for general associations which took cognizance of such matters; and he had talked of obscene writings in illustration of his opinion. But, was there really any comparison between such writings and those upon speculative points of religion, which were the only topics to which this motion applied? They were all agreed that obscene writings ought to be punished. And why?—because they were obviously pernicious to the moral interests of society, and constituted a general and disgusting species of offence. But not so with respect to abstract religious subjects, upon which it was quite impossible to obtain universal assent. No man had a right to say to another, "My opinion upon religion is right, and yours is not only wrong when you differ from me, but I am entitled to punish you for that difference." Such an arrogant assumption of will was intolerable, and was an outrage upon the benignant influence of religion. They might talk of ribaldry and levity, but there was nothing more intolerable than the proposition which he had just stated, and which was nothing less than the power contended for by the advocates of these prosecutions for mere opinions upon points of faith. Then, what an absurd and immoral mode did the law provide for estimating the credit of a man's faith before his testimony was legally admissible? When the question was put to a witness, "Do you believe in a future state?" If he were a conscientious man, entertaining seriously such an opinion, his answer must be in the negative, and the law said he should not be heard; but if he were an immoral man, and disregarded truth, and said, "I do believe in a future state," although in his conscience he disbelieved in it, then his evidence was admissible, and his hypocrisy and falsehood secured him credibility. Now, there would be some sense in

claiming to divide or prefer established individuals, he admitted it was not his ground of society, and not desiring the obligation of the many, but it was a future and impossible upholding obligation, he firmly a man's social position, the community not interested. He fully powerful, be the one who force of, upon his Tillotson following for most tianity, both for that, settling religion, of another us; and, we ought benefit upon our I know forcible, yet, I say, it were ends, to tation, a private that men and just, and king rather does not but reason which the moderate urge us

purpose of showing, and from a great authority in the church, that the obligation of religion was not alone considered as the influential test of moral truth, and that a man might be very sceptical upon doctrinal points, and yet very positive in the control of moral impressions distinct from religious faith. For instance, there was Mr. Owen of Lanark, a great benefactor to society, and yet a man not believing (judging from some opinions of his) in a future state. Would any man, with the demonstrating experience of the contrary before his eyes, say that Mr. Owen was less susceptible of moral feeling, because he was incredulous upon matters of religion? Would any man, pretending to honour or candour, say that Mr. Owen, after a life spent in improving the condition of others, had a mind less pure, a heart less sincere, or a less conviction of the restraint and control of moral rectitude, than if he were more imbued with the precepts of religious obligation? Why, then, was such a man (for so by the law he was) to be excluded from the pale of legal credibility—why was he, if he promulgated his opinions, to be liable to spend his days immured in a prison? With respect to the exception provided according to his hon. friend (Mr. Wilberforce), for treating such subjects with levity and ribaldry, he must confess, that he thought it a very singular reservation: for what was it, but to say—"You may discuss, if you please, in the most solemn, most serious, and therefore most influential manner, any topic of religion you please; but, the moment you discuss it with levity or ribaldry, that is, in such a manner as to be sure to offend the common sense of mankind, and therefore deprive you of really acquiring any serious proselytes, then the law takes cognizance of your conduct, and makes your imbecility penal. Was not this a glaring inconsistency? The law allowed the greater evil, the serious and substantial principle of discussion; and it denounced the lesser, which after admitting the first, it ought to have tolerated; and yet his hon. friend had, by his argument, justified and supported so singular a course. There was one passage of this petition which was very forcible, and to which he called the attention of his hon. friend. It was this:—"If a reviler of Christianity appears to you, you are to be the least formidable; because his scoffs can be met by a single word against him public

opinion, that he wanted to de-  
 dom of discus-  
 tion there is  
 When this is  
 House, unless  
 he had been  
 pounded by  
 ferent view of  
 He thought that  
 the religion was  
 in a state, was  
 said they  
 doctrines of  
 heard an obse-  
 very respectful  
 to argue with  
 an opinion; but  
 which such a  
 There was not  
 one unerring  
 common credit  
 was not like the  
 other phenomena  
 bound by the  
 laws; but, on  
 to conflicting  
 to decide upon  
 thorized to say  
 yours is wrong  
 how was the  
 for instance, if  
 try the question  
 ought to be  
 against the the  
 the people?  
 the stability of  
 Ireland be secured  
 there, merely  
 thought it the  
 reason and the  
 rize the extent  
 India; and with  
 tanism to establish  
 Reformation."  
 the gentleman  
 such fanciful  
 understood as  
 from beginning  
 free discussion  
 of the subject  
 himself against  
 tain opinions  
 mankind. He  
 tended for the  
 and for the unf  
 and hoped that  
 should not have  
 (Hume) had had  
 fixed upon him

down, that such offences were not against religion only, but against the laws; as tending to dissolve all those obligations, by which civil societies are preserved.—[Taylor's Case, 3 Keb. 607—1 Vent. 293].

The hon. gentleman, I think, has hardly been aware of the principle thus laid down by lord Hale. Opinions tending to such a disturbance, the state, upon the simple principle of self-defence, is bound to suppress. It is idle to say, that with the mere publication of opinion, a government has no right to concern itself, when you know it is upon opinion alone that any government can depend for its existence. [Hear, hear]. If any published writing have a tendency to inflame particular classes of people against the constitution, and to excite them to subvert it, that publication is properly the subject of prosecution, since, if not treason itself, it is the seed of treason. It is even so of those published opinions which shake the respect of thoughtless readers for the great principles and sanctions of morality, and of that religion upon which all morality, at least all public, general morality, must ever depend. [Hear, hear]. It is not, therefore, by mere construction, but actually and practically, that irreligious opinions, in the language of the indictments upon which they are tried, are "against the peace of the king."

But besides the preservation of public peace, there is something due, likewise, to the private happiness and comfort of individuals; and that comfort, and that happiness, are more seriously endangered by any attempt to undermine the sanctions of religion, than even by the efforts of political incendiaries. For, in religion, the belief is the substance. It is not, as in politics, a mere speculative preference; but it is one of the actual solid comforts of private life. No man, by being persuaded to disapprove the government he lives under, loses the benefits which that government holds out, alike to its contented and its discontented subjects; but he who is persuaded to doubt his religion, is at once a loser of all which, in this world, that religion can bestow. And this, not perhaps by any deliberate choice—not by any voluntary preference—if that were so, you might object to any interference with free-will:—but, as I find in your objection in the petition which the

lief does not, the will." On this has been told one whose doubt him—who was freed from the with half succeeded. But I of understanding deep for the groundless jealousy evil adhering a tion you can scribe,

Can ever meet  
He owed but y

Against them that the law, w extended a p subjects; and the the "rational of the hon. gen legally current

You say, let themselves. I of their govern them—to keep as well as a civi protection runs tion: if the co out foul stores sions to the p people by stop offence: and ye the very same sale of those m member has this them, poisons v circulate as cord are to be told th power belongs to the spirit of you

Every one allows that it then, says the l ington (Mr. R medies are contr the punishments ment would hav if all who read sented also with —if one side of charge, and the of those who im wa have been spe ever supplied wit there are certain those of that C believe, originall which, from the

it wise to sanction it yourselves admit men one?

If you mean to say works liable, under strictness, to public ordinary circumstances able to leave unprosecuted I concur; because I have seen the ability of learned clearer assertion and establishment of religious thing may be said still to the discussions of points of faith. So for hon. members for Marlborough. But the proposition upon is, not the religious libels, but the exemption from the very prosecution. I suspect the member for Portarlington produced a little beyond discrimination, by his principles of free trade. The effect of freedom indeed which recommends encourages production. The effect in this case is the very thing to prevent, we can have no trade here, unless the Government unteach us every thing so long inculcating, a freedom of trade will [Hear, and a laugh]. dangerous in any manner most dangerous of all infidelity is made up and sold among the people.

Sir, if any of the gentlemen mentioned can be supplied with any force with our Government made those laws, which all I have heard to-night our happiness to live in is the force which they have acquired from the present times. Of few, to whom the difficulty could be addressed could read, were, for the sake of others, extended in other respects have extended the gift of mass of your people. and has advantages in balance many objections, say,—and having said, the House no further—



it wise to sanction an effect which you yourselves admit must be a mischievous one?

If you mean to say that there are many works liable, under the present law in strictness, to public prosecution, which in ordinary circumstances it is most advisable to leave unprosecuted, in that opinion I concur; because I believe there are some irreligious attacks, which do but stimulate the ability of learned vindicators to the clearer assertion and more complete establishment of religious truth. The same thing may be said still more cogently, as to the discussions of contested creeds and points of faith. So far, I agree with the hon. members for Montrose and Portarlington. But the proposal we are now to vote upon is, not that a sparing discretion shall be exercised in prosecuting irreligious libels, but that they shall all be exempt from the very possibility of prosecution. I suspect that the hon. member for Portarlington has here been seduced a little beyond the limit of his usual discrimination, by his fondness for the principles of free trade [a laugh]. The effect of freedom in trade, and that indeed which recommends it, is, that it encourages production; but, as production in this case is the very thing we want to prevent, we can hardly vote for a free trade here, unless the hon. member will unteach us every thing that he has been so long inculcating, and prove that freedom of trade will best stifle supply [Hear, and a laugh]. But if this trade is dangerous in any mode of dealing, it is most dangerous of all in the retail—when infidelity is made up into cheap tracts, and sold among the poor by the hawker.

Sir, if any of the considerations I have mentioned can be supposed to have had any force with our fathers when they made those laws, which, notwithstanding all I have heard to-night, I still think it our happiness to live under, much greater is the force which those considerations have acquired from the circumstances of the present times. Of old there were but few, to whom the disquisitions of infidelity could be addressed; and those who could read, were, for the most part, educated in other respects. But now, you have extended the gift of reading to the masses of your people. It is a good work, and an advantage in

qualify our principles that are whole restraint. trines which there is but to we shall be full instruction with one than any adduce—by example with a colour of the people the state, and branded as a calamity and a curse.

Mr. W. Smith. A grave subject, the present one, with certain qualifications its discussion even under such circumstances not to be frequent not help thinking always better condition of the present House, where necessarily limited, as things were likely to assure the House disgust than he for which Carl but, at the same liberty of conscience divulging one's imperfect privilege raised that night all manner of things should be allowed had long thought the result of his conviction that it is such matters to society. He then of establishing a the penal guidance England they might not be in India. The Bra of religion, and Hindoo widows, cision, consign Englishman who cruel and irreligious. Mr. T. Wilson would show, by that its opinion those which had hon. member who that the minds poisoned by the which had been

it is a  
a very  
; we

lower orders would eagerly imbibe the poison, but would not seek the antidote.

Mr. Money opposed the motion. Since parliament and different societies had done all in their power to disseminate the blessings of education, care ought to be taken that those blessings should not be abused. His principal object in rising was, to do justice to an individual who had been alluded to during the debate—he meant Mr. Owen. An hon. member had said, that Mr. Owen disbelieved in a future state. He had communicated with Mr. Owen, and he had great reason to believe that the hon. member had mistaken the opinions of Mr. Owen. He begged the hon. member to state in what part of Mr. Owen's works he found that opinion promulgated.

Mr. Ricardo said, that the last act he would commit would be to misrepresent the opinions of any individuals. He had gathered Mr. Owen's opinions from the works which he had published. After reading the speeches which Mr. Owen had delivered in Ireland and other places, he had come to the conclusion, that Mr. Owen did not believe in a future state of rewards and punishments. It was one of the doctrines of Mr. Owen that a man could not form his own character, but that it was formed by the circumstances which surrounded him—that when a man committed an act which the world called vice, it ought to be considered his misfortune merely, and that therefore no man could be a proper object for punishment. This doctrine was interwoven in his system; and he who held it could not impute to the Omnipotent Being a desire to punish those who, in this view, could not be considered responsible for their actions.

Mr. Secretary Peel complained, that an hon. member had assumed, that the House was prepared to go a very considerable way in accordance with the views of the hon. member for Aberdeen. He, for one, was not prepared to advance one step along with the hon. member. He objected to his motion altogether. He disliked the form in which the hon. member had brought the question before the House. The practice of proposing resolutions declaratory of the opinion of the House had, he was sorry to see, become very prevalent of late. If the hon. member considered the law which subjected individuals to punishment, improper or unnecessary, why did he not move for its repeal? In the resolution which the hon. member

had proposed for discussion benefit the was inexp legal punishment matters. tion was necessary.

member a discussion, be consistent ber should a prospect benefit we the petition never rephrased that the the benefit in the Cl expressed repealed attacking that religious law as it change might o political a matter shown tion had mine his He would from so undermined go unpunished Mr. I House t The n

HC

NEW BILL.] to preserve merchantment of provision through ment of against that whi of his ri substitut of a pres officers, a strang nated a j

cond clause to which the petitioner claimed the attention of the House, was that which gave to the governor of that colony the extraordinary power, on the affidavit of an unknown informant, to send a British subject from his residence in that settlement over three quarters of the globe, to England without trial, or any defence allowed on the part of the subject. Against those two provisions in the bill, the petitioner prayed to be heard by counsel at the bar of that House. He could not, under the circumstances, anticipate any objection to so reasonable a request. If it should be communicated to him that there would be no objection, he should present the Petition without further comment; but if that assurance was not given, it would be his duty to make some further observations on the character and tendency of these two very extraordinary provisions.

Mr. *Wilmot Horton* said, he could not consent to such an application.

Sir *James Mackintosh* said, that after the intimation which he had received from the under secretary for the colonies, it became necessary to advert to the effect of these provisions on a numerous body of British subjects, whose interests were undefended in that House, and whose present claims and future prospects were seriously affected by them. The colony of New South Wales had ceased to be a mere receptacle for convicts. It had latterly grown into considerable importance, and was rich in all the capacities which promised eventually a high destination. Its inhabitants were composed of a greater number of European origin, than was to be found in the whole of our Asiatic settlements. Independently of the 20,000 convicts whose situation was not affected by the bill, there were the free settlers and the freedmen. The first class amounted to 4,000, the second to 7,000. There was, besides, that numerous class, the progeny of convicts, born in the colony—persons whose innocence was unquestioned, and whose claims to the protection of British law were not vitiated by any misconduct of their parents. It was no argument to say, that heretofore these rights were overlooked in the administration of the colony. The parliament were now taking the first step in legislating for its interests, and it therefore was the more incumbent on that House not to entwine around such a principle the shoots of tyranny and arbitrary power. On what

ground could 4000 Englishmen And to similar ted convicts or lation born in doubt it would ported those I should recollect tem for a popl of which had I very considera not to grant powers to a choose a situat the most likely exercised—wh resulting was n —it was preci constituted. I it was not the ment to give to Wales. The been held out after him by g quarries. Neit that the settle sufficient numb among whom There were 9 there, having each. The ne pose the juries military officer happen to be o that there mig members, on a of the service, the ships, whi could be drea landholders. I gave to the go oath of an unk port a man fro to Great Britain conspiracy or t excite the abb the British co liberty and com lish subjects at whose fatuity o worked upon b was one of the r ever made; and it, it would be whom it repre ry, I

ST. J.

IN I

u.

some classes unnecessary degradation and ignominy, and which, by encouraging the insolence of some orders of society, was likely to excite the vengeance of the majority of the population. He thought that invidious distinctions ought to be abolished, and the people generally admitted to the benefits of the British constitution, and above all to the enjoyment of the invaluable privilege of the trial by jury, by which means the interests of civilization would be most effectually promoted. He would now move that the petition be brought up and read, and he would afterwards move that the petitioner be heard by his counsel, before the committee on the said bill."

Mr. *Wilmot Horton* could have wished that the hon. gentleman had reserved his observations for the regular stage of discussing the bill, instead of incidentally arguing the merits of the question upon presenting a petition. The hon. gentleman must excuse him if he declined to follow so inconvenient a precedent, or to discuss with him now the propriety of practically applying the theory of the British constitution, and the institution of trial by jury, to a state of colonial society so essentially different from that of the parent country. As to the bill, he considered it necessary for the purpose of giving effect to the report of the parliamentary commission, and did not see that there was any ground for hearing the petitioner by his counsel.

Mr. *Bright* said, that the petition, complaining as it did of the non-introduction of the trial by jury into a British colony was most worthy of the consideration of that House. He regarded the trial by jury as quite necessary for the freedom and civilization of the colony. The real question in this case was, whether the colony was to remain to them a useful auxiliary, or become a source of inquietude and danger. The principle of the colonial government ought to be to amalgamate all the classes of society in the colony; and what better mode of doing so could be devised, than securing for them that invaluable privilege which brought the rich and the poor into an honourable contact.

Mr. *Marryat* thought it important that time should be allowed for ascertaining whether this bill was as perfect as it ought to be. As to the benefit of the introduction of the trial by jury, he looked on it as doubtful, in the present state of the colony. He was of opinion that several

of the regulations in that government were harsh, and injurious to the principles of civilization; and he therefore thought the petitioner ought to be heard by his counsel.

Mr. *Forbes* was of opinion, that some clauses in the bill were objectionable. He defended the administration of governor Macquarrie, and objected to the report of commissioner Bigg, on which the bill was founded, and on which no confidence could be placed. He thought the instructions to that commissioner ought to be laid on the table; for the purpose of ascertaining how far he had complied with or exceeded his instructions. On the whole, he thought more time ought to be allowed for the consideration of the bill.

Mr. *R. Colborne* vindicated the conduct and character of commissioner Bigg, than whom, he said, a more honourable man did not exist. He could assure the House he had not been appointed to that situation by earl Bathurst on account of personal acquaintance, but because he had filled with credit an official situation in the island of Trinidad.

The petition was ordered to lie on the table.

Sir *J. Mackintosh*, in rising to move that the petitioner be heard by his counsel, called the attention of the House to the important fact, that if the bill passed with the clauses which it at present contained, 8000 freemen were liable to be transported without trial, at the mere will of the governor. If the House should, after this statement, refuse to hear the counsel of persons who had so deep an interest in the measure, let the fault lie with them. For his own part, he would enter a practical protest against such a proceeding, and would call for a division, even though he should stand alone.

Mr. *Wilmot Horton* said, it was intended, in the Committee, to introduce a clause by which the operation of the bill would be so limited, that instead of extending to 8,000 individuals, it would scarcely extend to as many hundreds. In fact, it would operate only on those who had just completed the term of their transportation.

Mr. *Hume* observed, that according to the hon. gentleman's own shewing, the bill would deny to any person who had completed his term of punishment, and who ought therefore to return to all the rights of an Englishman, the enjoyment of those rights.

Mr. *Marryat* remarked, that the question for the House to determine was, whether they would see with their own eyes or with the eyes of the executive government? He had great confidence in the disposition of the colonial department to abstain from any act of injustice, but he could see no reason for objecting to hear counsel. If the argument in support of the petition should prove invalid, it would have no effect on the House; if, on the contrary, it should prove valid, it ought to induce them to pause before they acquiesced in the measure.

The House divided: For the motion 47. Against it, 60.

CAPTURE OF THE SHIP REQUIN IN THE GARONNE BY MR. OGILVIE.] Mr. *Fowell Buxton* rose, in pursuance of his notice, to move that the papers presented to the House, on the 19th of June last, relative to the capture of the ship *Requin*, in the river *Garonne*, in March, 1814, by Mr. *Ogilvie*, a commissary with the British army in the peninsula, be referred to the consideration of a Select Committee. The hon. member said, that he proposed, with the permission of the House, to lay before it a brief statement of the claims of Mr. *Ogilvie*, by whom the vessel had actually been taken. In the year 1814, in consequence of the succession of brilliant victories achieved by the British in the peninsula, the army under lord *Beresford*, who was then second in command, became masters of *Bordeaux*. Mr. *Ogilvie* was directed by lord *Beresford* in the execution of his duty as a commissioned officer, to proceed in a boat, accompanied by one of his clerks, and take possession of the vessels in the *Garonne*. That gentleman accordingly proceeded to execute this commission and had discharged it; when the clerk suggested to him, that some vessels might possibly be stationed lower down the river. Upon which, Mr. *Ogilvie*, having engaged ten French royalist sailors, directed them to row down the river. This they accordingly did; and when they had proceeded about two miles, they discovered on turning in angle of the river, two vessels lying r the re, one of which was even a ur v , and the other a march . who were in the boat and the ship of, was

number of guns retired behind he (Mr. *Buxton*) that but for which Mr. *Ogilvie* have attempted at that moment from the *Requin* capturing. In of the *Requin* that, owing to ship's force had ed, and that it more than fifteen attempt to take these circumstances hazardous one; theless, resolved He promised a few men with himself, and he proceeded to by the crew. sprang on board to surrender, concluding the force with him, of the *Requin* the cabin unarranged to know whether the captain also surrendered. By ment, it was arranged of the crew sh and, as they came the side, and all and in a quarter in his possession the captain being *Requin*. Mr. clerk to make the prisoners to Board with a sufficient vessel. Mr. *Ogilvie* board the *Requin* four hours, until some soldiers, i put the ship, and During this time hundred yards hundred and fifty which a detachment was stationed; slightest intimating take

which in

e b

R



ing Bourdeaux, Mr. Ogilvie stated what he had done to an officer of great distinction, colonel Ponsonby. The American captain confirmed all his statements, and added, that it had been his intention to proceed to sea the next tide, which would have been in three or four hours. This was the outline of the case; but, if the House required any confirmation of the details, he was able to afford the fullest and the most satisfactory. One was a letter from colonel Ponsonby, of the 12th regiment of light dragoons, in which that distinguished officer declared, that it was one of the bravest exploits that was ever achieved. He had also the testimony of sir R. Arbuthnot, major Annesley, and others; all of whom spoke of the success of the capture as attributable entirely to the courage and conduct of Mr. Ogilvie. There was only one point admitting of any doubt. It might be said, that the enterprise was certainly one of great hazard, but that it was an act of superfluous intrepidity, as the river, if not entirely in the possession of the British, would have been so on the following day. In opposition to this, he had to state the fact, that seven and twenty sail of American merchantmen had escaped on the preceding night. Then there was the declaration of the captain of the Requin, that he had intended to sail the next tide. Then there was the conclusive circumstance, that the British merchantman which had been taken by the Americans actually escaped that night, and was never recaptured. Lastly, there were the orders sent on that very day by the duke of Wellington to rear admiral Penrose, requiring the ships of war to come up the river; as, until that was done he had not the command of it. Then came the question, to whom the prize belonged? If Mr. Ogilvie had been a private individual, there could be no doubt on the subject. But Mr. Ogilvie was not a private individual. He was a commissary attached to the army. The prize might be considered under one of two views; either as a droit of the admiralty, or as booty. He was quite ready to admit, that in either case, it belonged, in the first instance, to his majesty; but then that right was controlled by regulations which had been made upon the subject. When a prize was held to be a droit of the admiralty, the general rule was, to give the captors a half, sometimes two-thirds, and occasionally even nine-

tenth  
duke  
an or  
way  
Then  
the a  
captu  
that  
consi  
an int  
and t  
the p  
Mr. f  
had t  
been  
saw  
into  
had  
lecte  
her.  
N.  
pris  
he v  
be t  
offic  
poin  
had  
tion  
and  
his  
con  
rew  
the  
pre  
last  
Re  
181  
(  
son  
she  
tion  
kne  
yet  
hin  
rac  
181  
in  
the  
wh  
bal  
arr  
gr  
act  
co  
sa  
sta  
te  
ce  
na  
be

pensation should be granted to Mr. Ogilvie, for the brave enterprise which had been described to the House by the hon. member for Weymouth. Mr. Ogilvie did not come there to claim a reward for the discovery of the longitude; he did not come there to claim a reward for the discovery of the quadrature of the circle; he did not come there to claim a reward for the discovery of the philosopher's stone; he did not come there to claim a reward for the discovery of the perpetual motion; he did not come there with any claim similar to that of her royal highness the princess Olive of Cumberland;—but he came there, as a British officer, to claim that reward which was due for an action of singular zeal and bravery. If the House knew Mr. Ogilvie and his merits, he was sure they would not hesitate a moment on the subject. He trusted, that in the present case, the old adage, "might overcomes right," would not prove true. He trusted that this gallant and meritorious officer would not be turned adrift, without the means of sustaining the character of a gentleman, after he had spent so many years in the service of his country. He had heard that there was, in a certain high quarter, an indisposition towards granting Mr. Ogilvie's claim. He could not believe that it was so: and he hoped the illustrious duke, who had had an opportunity of witnessing Mr. Ogilvie's merits, would express in that quarter the good opinion which he entertained of him. But, whatever might be the sentiments elsewhere entertained, he trusted that in that House the full force would be felt of two words, with which he should conclude—*Fiat Justitia!*

The *Chancellor of the Exchequer* begged to assure the hon. member who had introduced the present subject, and the gallant gentleman who supported him, that in opposing the motion, he did not wish in the least to detract from the merits of Mr. Ogilvie, either generally as a commissary, or particularly with respect to the transaction now before the House. But he must say, that the general merits of Mr. Ogilvie, as a commissary, had nothing to do with the question they were then called on to consider. If that were the case, the only point to ascertain would be, whether Mr. Ogilvie had received adequate remuneration for the services he performed? But, in the present instance, the question was, whe-

ther, having the *Requin*, as his exclusive circumstance, be taken into the House came Mr. Ogilvie when engaged on duty as commissary in possession of the *Requin* fallen into the hands of the taking of which were at that time stationed in consequence, the *Requin* from ships captured. It was, indeed, a gallant action, and he was skulking, and he would not have escaped, but he took her by a gallantry of which he was ever willing to acknowledge. That, however, was not the only circumstance on which he was entitled to prize money, but Mr. Ogilvie was similarly employed in the service of the army. All the campaigns, wars, and battles, in which he was engaged, were valued, and every article, 800,000*l.*, which was afterwards granted, which had been 800,000*l.*, Mr. Ogilvie was entitled to. The only question was, in order to decide whether the value of the *Requin* was included in the 800,000*l.*, he then would refer to a letter from the *Comptroller of the Treasury* to the *Comptroller of the Navy*, written on the 10th of January, 1795, in which it was stated that all the prizes taken in the possession of the *Requin* during the campaigns alluded to, were valued at 800,000*l.* The *Requin* was a vessel captured, and a ship of war, and then, the *Requin* was valued at 18,000*l.* It then followed, that the value of the *Requin* was included in the 800,000*l.*, and therefore, see c

claim for the above vessel was now advanced. But the hon. gentleman opposite, and Mr. Ogilvie himself, had laid some stress on what they considered the practice of the duke of Wellington, with respect to the distribution of booty, and seemed to conceive, that his grace sanctioned the claims of individuals to what they had themselves captured. Now, he was enabled to read a letter from the duke of Wellington to Mr. Ogilvie, written in 1820, in which his grace denied that he had ever acted on such a principle. The public, his grace continued, had already allowed a sum of money for the booty taken, and as Mr. Ogilvie had shared that sum, he could not expect any further prize-money for the capture he made. The letter then proceeded to say, that Mr. Ogilvie, and the men who acted with him in taking the *Requin*, had done no more than their duty, and that so far from his grace having ever given to individuals the booty which they obtained, he always shared it among the troops generally. He had read these passages from his grace's letter, to show, that the principle on which Mr. Ogilvie brought forward his claim, had never been sanctioned by the duke of Wellington. The hon. member opposite had also alluded to the opinion of colonel Pausonby; for the talents of that distinguished officer, he had the highest respect, and he had no doubt but that he felt anxious that Mr. Ogilvie, as well as every other individual connected with the service, should be properly rewarded. Lord Dalhousie had also been alluded to, but in his letter of the 29th of August, 1815, he merely said, that "the army was indebted to Mr. Ogilvie, for the capture he had made;" from which it was manifested that his lordship considered it a part of the general mass of booty, the value of which was to be distributed among the troops generally. Having thus stated the grounds on which he resisted the present motion, he had no hesitation in adding, that it would be monstrous injustice to sanction Mr. Ogilvie's claim, if the House was not prepared to say, that in all campaigns, by sea and land, each individual was entitled to the booty which he might secure.

Mr. Hume observed, that Mr. Ogilvie had stated several instances in which individuals were allowed the exclusive enjoyment of the booty they obtained. He wished to know from the chancellor

the Exchequer that such should be if correct sent quantities the duke, however, considered to be the but if his similar to it was an agent motion.

The Chancellor not aware taken booty was taken among the

Colonel could be of an agent possess by market

Mr. Ogilvie said, his share of the *Requin* he had a full amount there was attorney employed against had been prize money of four supposed that the him for Upon the motion.

The Chancellor Against

Brought itself into Exchequer

The Chancellor he felt of compression had to make as narrow knew he fatigued he might he had that

an early period of the session, he had explained the situation in which the Finances of the country stood, and the course of measures which his majesty's government intended to recommend to parliament for adoption, and as he had since been enabled by the House to carry those measures into effect, he should not at present repeat any of the observations which he then made. At that time he had stated what was the aggregate amount of the revenue, and also the aggregate amount of the expenses of the nation. Now, however, he should take a more limited view of our situation, and confine himself to a recapitulation of the Votes of Supply which had been come to in the course of the session, and the Ways and Means which parliament had provided to meet that supply.—He had stated, at the commencement of the session, that the total amount of the supply would be about 16,600,000*l*. Gentlemen, however, would now find, from the papers laid before them, that the supply exceeded the above sum by 2 or 300,000*l*. He should, he trusted, be able to account satisfactorily for that excess. It did not occur in consequence of any increase in the estimates for the Army or Navy or the Ordnance, but the whole had arisen under the head Miscellaneous Expenses, and the items which caused it were such as had not entered into his contemplation when he before addressed the House on the present subject. One of these items was a vote of nearly 60,000*l*. for the Stationery Office. This vote was in consequence of arrangements which had been lately made for supplying the public departments with stationery, and which, though attended with an extra charge at present, would afterwards conduce to great economy. Formerly, each department provided itself with whatever stationery it thought necessary; but an alteration had been made, by which no stationery was to be furnished but according to particular samples approved of by the Stationery Office, and by that means the total expense (which antecedently was divided among the different public departments) would come under one head. Although, therefore, an increase appeared at present in the expense of the Stationery Office, there would be a corresponding saving in the expenses of all the departments under the head of contingencies. The full advantages of this alteration would not be felt this year, on

accounts of 1  
ments havin  
stationery b  
took place;  
would derive  
Another item  
pated at the  
sion was, th  
library. The  
harbour of  
facilitating e  
not being cor  
ment of the  
increasing th  
the sum alrea  
satisfactory f  
the committe  
such an incre  
more than a  
the amount of  
whole of the  
16,976,743*l*.  
expenses were  
of what in th  
mistake, term  
which were,  
and other arti  
lottery 200,00  
by Excheque  
Next was the  
tary pensions,  
to be paid by  
account of hal  
item he wished  
doing so he ha  
that the East  
in the arrangen  
table. It app  
reasonable, th  
tion of the B  
protecting the  
become liable  
pay and pensio  
was chargeable  
There was son  
fair proportion  
to pay; becaus  
pensioned, or p  
regiments were  
have become ex  
or to half-pay,  
that part of t  
however, he m  
arrangement ul  
both just as it  
liberal as it rega  
pany. They ha  
a year, which  
credit for in th  
whether another

should not hereafter be made, as, for instance, whether like the amount received for old stores, it should not be deducted from the expense of the army only—he had not yet decided. The sum which under this head he had now to apply as Ways and Means, was 90,000*l.* in consequence of the East India Company having consented to commence their payments from May, 1822. The next item was a surplus of Ways and Means of 469,047*l.* not called for by the expenses of past years. There was also a surplus on the Consolidated Fund of 8,760,000*l.* It was a long time since a Chancellor of the Exchequer had had it in his power to include a surplus of the Consolidated Fund in his Ways and Means; and certainly it was very agreeable to him that, in the commencement of his official career, that duty had devolved on him, particularly when the surplus amounted to so large a sum. The circumstance to which it was owing that so large a surplus of the Consolidated Fund now existed, was the arrangement lately made with respect to the Sinking Fund, by which the charge on that fund was reduced to its proper amount. In the early part of the session he had stated, that the annual income of the Consolidated Fund might be taken at 16,000,000*l.*, and the expenses at 38,000,000*l.*—28,000,000*l.* of the latter sum was for the charge of the Funded Debt, 2,000,000*l.*, for the expenses of the Civil list and other charges, 2,800,000*l.* for the payment of the half-pay and pension annuities, and 5,000,000*l.* of Sinking Fund, which, with a few small items amounted in the whole to 38,500,000*l.* A surplus thus remained of about eight millions, and he had the satisfaction to say that, in making this statement, he had not taken as a criterion the receipts either of last year or of this year, but the probable receipts of next year, after deducting the amount of taxes repealed during the present session. The result of the whole was, that the Ways and Means for this year amounted to 17,385,920*l.*, and, by deducting from that sum the total amount of the Supply, which was, 16,976,743*l.*, no less a surplus than 409,177*l.* would remain unappropriated, but 214,159*l.* of which, it was intended to apply to the decrease of the unfunded debt. He thought it a very satisfactory circumstance, that he was enabled to make such a statement to the committee. It appeared to him extremely desirable

that some always re-  
seen emer-  
should no  
expenses  
observe, th  
in the dist  
statement,  
from spirit  
but that c  
pensated b  
sures allud  
that beside  
the passing  
A large s  
lost to th  
nearly tw  
quarters  
added to  
leave an  
for the  
that ther  
cation in  
quarter.

Perha  
satisfact  
sent sta  
shew th  
son he h  
with the  
account  
of the p  
January  
June, w  
of the y  
and end  
the who  
account  
the last  
means t  
satisfy t  
stead o  
this yea  
in 1822.  
was as f  
From the  
28th J  
In Bills  
Receipt  
July 4,

Half yea  
1822 .  
Estimate  
5 1821



repealed. In the Excise, too, a considerable improvement had taken place in many articles, while in others the account was not so satisfactory. However, on the whole, he trusted, that the improvement would not appear unimportant. The difference between the two years would appear by the following estimate of the Excise revenue for the half year ending July 5, 1823, compared with the actual receipt of the corresponding period of last year.

Payments to the 5th of July, 1822.....	12,125,136
Actual payments from the 5th of Jan. to the 1st of July, 1823....	10,571,081
Estimated payments from the 1st to the 5th of July, .....	658,000
	<hr/> 11,221,081
Deficiency on the half year .....	896,655
Actual loss on the half year upon articles on which the duties have been reduced.	
Hides .....	135,688
Malt, including 270,000 <i>l.</i> repayment on account of stock in hand....	450,637
Salt .....	465,550
	<hr/> 1,051,875
Actual increase....	155,820
In addition to which the repayment on account of malt duty previously accounted for amounted to 270,030 <i>l.</i> , which is included 'in the above sum of 450,637 <i>l.</i> ; and if no such repayment had been made, the increase of revenue would have been .....	425,820

The result as to the revenue derivable from Stamps, the Post-office, and the Assessed Taxes, appeared to be equally satisfactory. While the revenue was thus improving, the ministers had also been able to effect a gradual reduction of the debt, and this reduction had been progressive from the 5th of January, 1823, on which day, the unredeemed debt amounted to 796,530,144*l.* The following account would show to what extent it had been reduced from the 5th of January to the 30th of June, by the commissioners for its reduction:—

		£
By Sinking Fund {	England .....	1,834,535
	Ireland .....	172,382
Transferred for Life Annuities .....		334,883
Ditto, Land-tax, estimated .....		24,000
Ditto, estimated 10 years .....		14,432

Purchased with £  
Dividends ..  
English Debt, dec  
transferred to th

Deduct Irish Del  
capital transfer

Total rede

The amount (decmed was 7  
cessary to obse  
tion which he h  
corresponding  
the debt. The  
effected was cle  
capital redeeme  
there was paid  
redemption of £  
4th. cap. 66—

January 8, 1  
April 8 ....  
To be paid J

Thus it appears clear reduction upwards of 3,0 was aware that deficiency bills the consolidate January, 1823 amounted to 5, of April, the pe was made up, t 3,793,291*l.* Th fore, of more tl head. Whilst t been in progress effected a consi tion. Perhaps be unwilling to the reduction carried during he would confin If the hon. g to attribute th to their exerti pute with them. for the merit ficiently gratify notwithstanding great sacrifices less the resource solid and subst the government public service, effect a progress Within the last

# 1845] HOUSE OF COMMONS.

which year of the unimpaired value, on the following amount:—

Stimulating money	400,000
Land	1,000,000
Sea	1,000,000
Wine	100,000
Annual tax	2,000,000
Law	100,000
Finance	100,000
Wine—Land	100,000
Wine—Sea	100,000
Wine—Wine	100,000

£3,800,000

Reductions had also been effected upon various items of taxation, which, though unimportant in amount, were of great benefit to the parties by whom those taxes had been paid. He alluded to all the reductions to be found in the bill in progress relative to Customs. One of the most important parts of the bill was that which provided for the reduction of the duty on sugar carried coastwise. He might also advert to another circumstance which would diminish the amount of taxation—he meant the repeal of the Union duties in Ireland. It could not be denied that the repeal of those duties would be prejudicial to the interests of some persons, but it would enable the people of Ireland to obtain some articles of British produce 10 per cent below the price which they at present paid for them. If the smaller items of reduction to which he had thus briefly alluded were added to the sum which he had before stated, it would make a total of about seven millions and a half. He wished to say a few words with respect to Ireland. No one could look at the manner in which parliament had conducted itself with respect to the taxation of Ireland, without being convinced, that whatever differences of opinion might exist with respect to the moral and political causes which operated in that country to produce misfortunes which it was painful to dwell upon, in a fiscal point of view, at least, it had given a most liberal attention to the wants of that unhappy country. Among other measures connected with the finances, he might advert to some bills which had passed through the House without comment—a proof that their principle was approved—for uniting the boards of Customs and Excise, and assimilating their practice in both. The effect of those bills was advantageous to merchant in general.

He thought that the thing which was most to be desired was that the people of Ireland should be enabled to obtain the same articles of British produce at a lower price than they at present paid for them. If the smaller items of reduction to which he had thus briefly alluded were added to the sum which he had before stated, it would make a total of about seven millions and a half. He wished to say a few words with respect to Ireland. No one could look at the manner in which parliament had conducted itself with respect to the taxation of Ireland, without being convinced, that whatever differences of opinion might exist with respect to the moral and political causes which operated in that country to produce misfortunes which it was painful to dwell upon, in a fiscal point of view, at least, it had given a most liberal attention to the wants of that unhappy country. Among other measures connected with the finances, he might advert to some bills which had passed through the House without comment—a proof that their principle was approved—for uniting the boards of Customs and Excise, and assimilating their practice in both. The effect of those bills was advantageous to merchant in general.

on the candid statement which they had just heard from the right hon. gentleman. During the whole time that he had been a member of that House, he had never heard such an open, fair, or candid statement; and, indeed, it appeared to him, that the right hon. gentleman had rather under-rated than over-rated the grounds on which he founded his report of the present increasing and flourishing state of the revenue, and of the hopes he entertained of the future diminution of public taxation. He was happy that the right hon. gentleman had been thus candid; for, by such conduct, he would secure the confidence of the country. He was also gratified at the liberal principles which ministers seemed to have adopted, with regard to public trade; for such liberal views would materially contribute to make commerce increase, and render the nation prosperous and happy. As they had begun some reduction in the public burthens, he trusted they would feel it their duty to proceed as expeditiously as possible; and he perhaps, might suggest that a reduction of the Land tax, and of the 4 and 3½ per cents would effect a considerable saving in the public expenditure. There was also the Imperial debt. He believed it was notorious that the right hon. gentleman had entered into some arrangements for a compromise of that debt, and it was said that two and a half or three millions were to be received by this government, as a payment of the debt. If this were true, he thought the Austrian government had acted fairly in the transaction. He expressed his concurrence with the right hon. gentleman as to his views of the future state of the revenue. When the capital of the country could fairly be employed, trade would increase, and the revenue would proportionably be benefitted; and if the reduction of public burthens could be extended to Ireland, the population there would be employed, and the great cause of complaint on that account would cease.

The *Chancellor of the Exchequer* merely wished to say, that the loan alluded to was in a course of negotiation which he hoped would prove successful. At present he could say nothing as to the terms of the negotiation, nor as to the probable result, but should confine himself to the statement, that every disposition existed on the part of the Government to come to a settlement of the debt. He was somewhat

satisfied with the statement which had been laid before the House, which had more than half satisfied the right hon. gentleman. He thought, and the taxation by the Government would not lose employment in the pleasure, by the fact that it was suffered to produce as much as the end of the year in direct taxation. The right hon. gentleman — let him reduce and four million would find that lose any thing. The hon. member could not have naval pensions, the sum of 4,800 in the hundred while we were in market. By the fact that the cent had arisen marked, that at advantageously had resolved to enter into a war contract would effect a total reduction. Neither could be the bad effects of the reduction of the Sin could not have by suffering the doing, five million purpose product which might have reduction of taxation.

The resolution of the House resumed.

CONDUCT OF  
[Mr. Spring  
of the day for  
the Conduct of  
Irish Exchequer  
put, "That in  
the chair,

Mr. Hutchins  
proposition he was  
or was not  
alone was  
no interview with  
subject. He had  
with the Government  
any of the

dual: in fact, he did not know that his opposition to the Speaker's leaving the chair would be supported by any member. He, however, thought it would be grossly unjust to proceed to a measure of condemnation, before they had the fullest evidence on the subject. There were, it was true, two reports of the commissioners of inquiry, and also two reports of committees of that House relative to the conduct of the Chief Baron; but it did not follow, when the whole of the evidence should be heard, that he might not differ from those authorities. Indeed, the opinions entertained in that House with reference to this question were so various, that it would be wrong to proceed with it until the fullest evidence should be obtained; and above all, he conceived that he would be a very daring man who should proceed to judgment without hearing the chief baron himself. Those persons who had not heard that learned judge, and heard him fully, on the matter of accusation, could not be competent to act either as jurors or judges.

Mr. Secretary *Canning* said, he did not see how they could avoid proceeding on this occasion. The hon. member had alluded to the inconvenience which must result, if this charge were left pending over the chief baron. Now, in some shape or other, charges more or less modified must be understood as having been preferred against him; and if he were to point out the most favourable and the least culpatory shape in which they could be placed on the Journals, it was by pursuing the course proposed by the hon. member for Limerick. How did the matter stand? The charges came founded on the reports of the commissioners. If the House rested where they now were, the interval between the time of accusation and of trial would not be the less long; and the inconvenience to which the chief baron would be subjected must be aggravated rather than lessened, because he would not have the advantage of knowing exactly on what points, growing out of those reports, he was hereafter to answer himself. On the other hand, if went on, and resolutions of agreed to in the committee stating that such and such were made in the reports, their report affirming proper effect the of the would move

be  
be  
un  
qu  
be  
ho  
the  
co  
tal  
wr  
tiv  
co  
  
th  
us  
th  
th  
es  
of  
L  
of  
a  
th  
ju  
hi  
ni  
th  
u  
hi  
hi  
H  
as  
ti  
as  
th  
hi  
ni  
H  
ri  
w  
ti  
cc  
  
ge  
ci  
or  
in  
hi  
vi  
w  
th  
th  
th

writing a letter to the Speaker, expressive of his readiness to meet the inquiry. On the principles he had now stated, he would give his vote for going into the committee, conceiving that the door of parliament ought always to be thrown wide open to such investigations.

Mr. *Banks* said, he had not been apprised of the nature of the resolutions.

Mr. *S. Rice* observed, that he had always stated, that the preliminary resolutions were resolutions of fact; the final one was one of inference. He would read that and the one by which it was immediately preceded;—"That it is because it has been stated in the reports of the commissioners appointed by this House, and confirmed by a subsequent report, made after a special reference to them by his majesty's government, that the emoluments of the chief baron of Ireland have been increased by the invention of new, and the extension of ancient, fees, on the sole authority of the chief baron himself." A subsequent vote of the House in committee, had confirmed the substance of this resolution. The inferential resolution, which might or might not be agreed to, was to this effect—"That the power of creating and extending fees thus reported by the commissioners of inquiry to have been exercised—if proved to have been exerted in their increase by the lord chief baron, in the manner stated in the reports of these commissioners, at his sole discretion, and he being himself interested therein, is inconsistent with the laws and constitution of this realm."

Mr. *Banks* said, it was quite clear to him that it was impossible to enter on such a matter at that late period of the session. The hon. gentleman then remarked on the peculiar hardship of the chief baron's case, pending the prosecution of the proposed inquiry. This learned individual was invested with a high judicial office, which there was no power, even in the Crown itself, to prevent him from discharging the duties of, in the interval that must elapse before the investigation could be brought to a close. Was it fit, then, to leave one of the judges of the land under this cloud of suspicion and imputation from the end of one session to the commencement of another? The hon. gentleman then proceeded to show the inexpediency and injustice of entering upon such a matter at the late period of the session.

Nothing to support in the proof of impeachment. However, against at this session.

The S one of the priority of their Journals which place in the report. The hon shortly stated the 9th report was very minute at the late period also to the report and those reports was, in fact, baron. A of that House arising out of reports? and in the chief baron acted contrary. This was Erskine's own fiat, the subordinate though it is subordinate thing as in judge him was still were bound commissioner "that they their judge increase their own courts a practice hundred years such an in Court of Pleas Court input to proper and error of judgment more cruel on their side opposed the



next session the hon. gentleman chose to persevere, he would, however, give his assistance to the inquiry.

Mr. *Abercromby* said, that the question was, whether they should now stand still, or go back? He thought they had no option but to go into the committee. The House now proposed to give the chief baron an opportunity of knowing what the charges were against him, to which he would have to answer. He would have the benefit of the interval between this and next session for the preparation of his defence, and all the advantage would be with the chief baron, in short. He did feel, however, that this was a case of the most extreme difficulty, insomuch that, if he could with any fairness or justice to the chief baron, he would have said to-night, "I will proceed no further." But, after what had taken place, he was bound in justice to the chief baron, to see him through the affair. Should the case be, unfortunately, proved, he (Mr. A.) thought the next proceeding ought to be by address, rather than by impeachment.

Mr. *Hume*, looking to the 5th report, seeing that precedents for what the chief baron had done were to be found within the last century, and adverting to the smallness of the increase which had taken place in those fees, really thought it impossible to impute to the chief baron any corrupt motives of mere personal emolument. In this feeling, he had himself prepared a resolution to that effect, which resolution, the hon. and learned member for Peterborough had expressed his approbation of, and which, or something equivalent thereto, he (Mr. H.) did conceive that the House was in strict justice called upon to concur in.

Mr. *Goulburn* supported the motion for going into the committee.

The House divided: Ayes 50. Noes 19. The House then went into the committee.

Mr. *S. Rice* submitted his first resolution. It was declaratory of the fact, that from the reports of the commissioners of courts of justice in Ireland, and from the report of a committee of the House, it appeared, that the chief baron had received fees in certain departments of his court, to which he was not legally entitled.

A desultory conversation ensued upon the fact, whether certain exculpatory circumstances, which were contained either in the 9th report itself, or in some subsequent report, should not be inserted in the resolution. The attorney

tor-

Mr.

par

cap

the

"

am

add

is f

con

mi

of

Po

tha

an

ta

fin

to

ha

be

un

be

an

ag

di

wl

ad

S.

an

of

sic

se

an

an

wi

th

ta

tic

po

th

GE

"

to

to

Jo

th

hu

Pr

an

va

to

in

to

to

Jo

th

hu

Pr

an

va

to

in

to

in

made in the method now in practice, of engrossing bills, so as to facilitate the business of the House."

Mr. *Bankes* said, there was no affinity between the amendment and the original motion.

Mr. *Wynn* said, that the old letter in which the bills were now written out, was more likely to be legible 200 years hence, than the Italian hand in general use at present. The ordinary writing-hand was subject to much variation; the old letter used in the bills would be subject to no variation at all.

Mr. *Ricardo* thought the time would hardly come when the common Italian hand now in use would be unintelligible. The change suggested would save considerable expense, and greatly expedite the dispatch of business.

Mr. *Hume* said, that if his amendment was opposed, he would withdraw it. The subject, however, seemed to him of so much consequence, that he should give notice of a distinct motion upon it for to-morrow.

CONDUCT OF CHIEF BARON O'GRADY.] The order of the day being read, the House resolved itself into a committee on the Conduct of Chief Baron O'Grady. After several resolutions of fact had been agreed to,

Mr. *Spring Rice* proceeded to move a resolution, that the chief baron had changed the practice with reference to certain fees, by removing the payment of them from the time at which the decrees were pronounced, to the commencement of the suit; the consequence of which had been, that fees on 478 causes had been paid, in 134 of which causes, decrees had not been pronounced.

A short conversation ensued, in which the Solicitor-general, Mr. S. Rice, Mr. Wetherell, Mr. Canning, and Mr. R. Smith participated. Eventually, Mr. S. Rice agreed to leave out that part of the resolution which referred to the number of causes on which decrees had not been pronounced.

Mr. S. *Rice* then said, that the resolutions now agreed to were resolutions of fact; but as the others were resolutions of inference, and as the right of a judge to increase his own emoluments at his own discretion had been denied, by entertaining the question at all, he now gave the resolutions already on the Journals; and

he did no further mention of the chief baron.

Mr. *Hume* said, his hon.

would be

tions as a

At the same

a case for

for an im-

they to do

was not

taken by

equally un-

course of

judge of

was upon

culpable)

for his con-

justice con-

manner a

He conclu-

declaratory

by the Ho

further, as

Mr. *Hume*

the course

baron. The

ality, whic

the only co

ject upon a

the individ

in his defer

Mr. *Wetherell*

impropriety

implied cri

culpation h

ed. If a na

nal court,

proceed wit

parliament

should they

tions which

nor any ind

ceed one st

implied cri

suffer them

unless a dis

they would,

up. He co

business in

posed. It

duct of the

light, even

but, out of

opportunity

resolutions

the chief

Mr. *Secret*

that those



used for brewing other beer. To prevent the brewer from mixing a certain proportion of the new beer with strong ale, was the intention of the clause; but the act did not prevent him from brewing the strongest ale on the same premises with the present table-beer; by mixing which, the advantage to the brewer would be greater than any he could obtain by so dealing with the new beer. Their lordships would consider also the great injustice of the clause as regarded the capitals already invested in breweries.

Lord *Hesley* said, that the object of the bill was, to produce a more palatable and wholesome beverage for general use than could be found at present; and experience had proved, that such an object could not be accomplished unless the present brewers were prohibited from manufacturing it on the same premises in which they conducted their other business. It would also lead to numberless frauds, so that the clause was absolutely indispensable. He hoped that the effect of the present bill would be, to lay the foundation of a better arrangement for the collection of the beer duties, and for determining accurately the proportions, and ascertaining the strength of the liquor.

Lord *Dacre* admitted that the object of the bill was good; but expressed his apprehension that by excluding the old brewers, they would defeat their own intention. He thought it would be better to suspend any further proceeding until the next session, when they would have time to inquire more fully into the matter.

The Earl of *Liverpool* said, that if the brewers of the new beer were allowed to brew it on the same premises as the old, it would lead to endless frauds on the Excise. Indeed, he had been told by an eminent brewer, that the temptation would be so great, that flesh and blood could not withstand it. If permission were given to brew the new beer in the same manufactory with strong beer and ale, the public would never get a good article. The only chance of securing a good and palatable beverage was by insisting that it should be made in separate premises. If they left out this clause, they would throw the beer trade into the hands of the old speculators, who were in general large capitalists.

Lord *Albion* said this clause was necessary; and that the beer

brewed u  
nobody w  
The bill

HO

IRISH

On the c  
reading of

Mr. Co  
pressed t  
clause, it  
desirous t  
forego the  
trading  
that, in th  
consideral  
until that  
those prev  
complete

Mr. M  
been one  
of Irish tit  
not resist  
forded him  
the success  
the count  
majesty's  
no altar.

which cou  
its wise pr

Sir J. E  
toto. For  
nor less th  
of the rig  
lishment,  
opinions of  
heard. It  
chy alone  
but such w  
diocese of  
exception,  
The bill

RECIPRO

C. Grant n  
bill.

Mr. Rob  
pause befo  
which went  
navigation  
had been  
commercial  
cited Adam  
nion; and  
arguments  
chance of  
cal m

gentlemen of England ought to resist every attempt to break down that system which had done so much for the defence and glory of the empire. The science of political economy was much talked of, as something very profound and of difficult attainment; but he believed it was in the power of any ordinary mind to master the system of political economy in five or six weeks; but he was equally convinced, that the adoption of its modern principles was not calculated to make its professors either statesmen or legislators. If the navigation laws were broken down, the ruinous consequences to our naval power would be felt when perhaps they could not be retrieved. The hon. gentleman proceeded to read extracts from the evidence taken before the select committee of the House of Lords on foreign trade, and contended, that if the present laws were repealed, foreign vessels, which already possessed some advantages over our own, would obtain a preponderance that would be utterly destructive of British trade. He could not conceive it possible, that the legislature would give its consent to a bill so ruinous as the present. By the commercial measures which had been pursued of late years, and which had been acquiesced in by parliament almost without deliberation, in consequence of the confidence which they placed in some of the right hon. gentlemen near him, our foreign commerce had been diminished, within the last three years, to the extent of 150,000 tons, and 8,000 seamen—an amount equal to all our trade at that period beyond the Cape of Good Hope and Cape Horn. Was that nothing? When the legislature had had such sad experience of the new system, would they persevere in retrogression, until they destroyed the whole commercial greatness of the country? He concluded by moving, that the bill be read a third time this day three months.

Mr. Alderman *Thompson* seconded the amendment. If, however, the present subject should be again brought before parliament, and an opportunity given to the ship-owners to state their opinions on the measure, he would support such inquiry.

Mr. *Wallace* said, that the world now pretty well understood, that the interests of navigation and commerce were identified and inseparable. The most wholesome policy set on foot by one of those g—

gent  
of th  
ing l  
first  
secor  
trary  
com  
conc  
vigat  
were  
polic  
trade  
dow  
now,  
doubt  
rem  
be r  
grea  
alres  
a gre  
case  
by a  
with  
men  
jesty  
to p  
had  
ral  
the  
to c  
W.)  
he  
hon.  
forg  
in h  
simil  
com  
the  
pean  
of n  
had  
or of  
to p  
com  
in all  
upon  
their  
natio  
cause  
chea  
vants  
that  
great  
at; a  
fr—



Norway, Sweden, Russia, Prussia, France, and Holland, could not compete with English ships for cheapness of sailing. It was equally clear, on the same valuable authority, that upon all long voyages, such as those from the coasts of Africa and Asia, from India, the Brazils, and the West Indies, freights were always cheaper in English bottoms than in the ships of Holland, France, or Denmark. The hon. member had drawn a most discouraging picture of the falling-off of our shipping trade; there being, according to his calculation, a decrease within three years, of employment or hire, to the amount of 150,000 tons. What would the House say, however, to a statement, on the authenticity of which they might depend, of the comparative amount of British and foreign tonnage employed between the years 1815 and 1822; by which it appeared, that, on the aggregate of eight years, we had had the advantage of our continental neighbours by no less than 593,000 tons? Another subject of regret and complaint with the hon. gentleman was, the decrease in the number of British ships employed. With due submission, however, he (Mr. W.) thought that this diminution was of great advantage to the shipping interest; for he had reason to know, that at the commencement of the peace, there were so many British merchantmen, that this species of property became, of necessity, quite depreciated. It was impossible that the vessels could all find any thing like advantageous employment. At that period, he had heard nothing but complaints, on the score of their numbers; and he believed it to be for the general benefit, that since then, many of them had worn out, and a vast number had been sold. Now, the result of all this had been, that as the numbers had decreased, the hire had risen, so as at length to afford the owner a remunerating price. It might, however, be a satisfaction to the House to learn, that the shipping trade had increased very considerably since last year. In 1822, the number of ships employed was 18,736; their tonnage, 2,263,000 tons. In 1823, the number of ships employed was about 20,000; their tonnage, 2,590,000 tons. So that the increase in one year was nearly 1,400 in the number of ships, and 1,127,000 tons in the tonnage. He had shown that, the of our duties was a safe one, as, and if so,

it must be least inv-  
advantage  
which w

Mr. J  
the statu  
man we  
they wer  
the part  
that, in  
the Hou  
truth mi  
ping inte  
but they  
ation of  
prevailed  
been so  
partment  
wages, o  
pense de  
foreigner.  
of the shi  
that the  
and the  
the consid

Mr. T.  
complaine  
been allo  
their case  
refutation  
nions, he

Mr. H  
measure  
shipping i  
it was at  
advantage  
generally.

Mr. Bri  
be given  
question  
would, the  
committee

Mr. Ric  
it was the  
place the  
upon a f  
builder.

Mr. M  
contended  
the only s  
interests o

Mr. Hu  
riod had  
imp- de  
any  
ties, v  
part  
which w  
co  
been

leges—such as grasping franchises, were thus perverted, rotten. Even the fort a course; and at one place were starving grain were exported was in vain to be civilization in Ireland remained nothing political causes also for the present a Her peculiar degree to be attributed to the darkness of her religion had ever been in Ireland it existed and debased shape, therefore be short, rising and elevating, some way given to in the most barbarous nature; an effect in Ireland, I was so strangely created the constant a lie question, and existing in the system of others had pledged the

The House then divided—  
—Not-contents 5.  
into a committee on

Lord Ellenborough  
tem of annually a  
tution in Ireland,  
measures calculated  
ple of that country  
that the present bill  
to produce, than that  
that until a totally  
adopted, tranquillity  
restored to Ireland.

be a mere nullity,  
quite force to carry

The Duke of Wellington  
that there was a sufficient  
to carry the provision  
effect. The great  
bill was, that it  
remain in their hands  
at which time the House  
usually committed.  
be ready to aid the  
was not necessary to  
carry the responsibility  
carrying the bill into

Earl Fitzwilliam  
given a vote with regard  
that which he had  
commitment of this

leges—such as grand juries and the elective franchise, were in Ireland, by some fatal perversion, rendered worse than useless. Even the fertility of its soil seemed a curse: and at one time, while the people were starving, large quantities of grain were exported to this kingdom. It was in vain to hope for an increase of civilization in Ireland, while the system remained unchanged. In his opinion, political causes alone would not account for the present condition of Ireland. Her peculiar degraded state was mainly to be attributed to the gross and palpable darkness of her religious system. Catholicism had ever been prone to error, and in Ireland it existed in its most gloomy and debased shape. Any remedy would therefore be short of its object, if a civilizing and elevating religion were not in some way given to Ireland. Christianity in the most barbarous countries exalted human nature; and if it failed of this effect in Ireland, it was only because it was so strangely corrupted. He deprecated the constant agitation of the Catholic question, and expressed his confidence in the system of education which ministers had pledged themselves to establish.

The House then divided: Contents 36—Not-contents 5. The House then went into a committee on the bill.

Lord *Ellenborough* deprecated the system of annually suspending the constitution in Ireland, instead of adopting measures calculated to conciliate the people of that country. He was satisfied that the present bill was more calculated to produce, than to allay irritation; and that until a totally different system was adopted, tranquillity would never be restored to Ireland. The present bill would be a mere nullity, for there was no adequate force to carry it into effect.

The Duke of *Wellington* was satisfied, that there was a sufficient force in Ireland to carry the provisions of the bill into effect. The great advantage of the bill was, that it obliged persons to remain in their houses during the night, at which time the outrages in Ireland were usually committed. The military would be ready to aid the magistracy; but it was not necessary to throw upon the military the responsibility and the odium of carrying the bill into effect.

*William Fitzwilliam* he had never satisfaction than en against the

The bi

On the re

Lord /  
sure, whi  
the benef  
stitution,  
shape in  
a single a

The E  
measure l  
that shape  
nature an  
well know  
was to ca  
who were

The req

H O I

CONDUCT  
PETITION  
said, he h  
person of  
geon, of l  
call the at  
plained of  
nistration  
personally  
which his  
for the co  
was said t  
lieved, left  
therefore h  
from him  
or his stat  
petition wa  
towards th  
he felt it t  
without ple  
soever, and  
ment that c  
If, however  
portion of  
fact, it did  
case which  
parliament.  
five years a  
a person wi  
an affray, w  
Mr. Baron  
A verdict  
was taken i  
costs. The  
was ultimate  
take the be  
prospects, v  
having been  
charge now  
itself into tw

authority. As he begged leave to say, alluded to a certain had on a former occasion reference to another chief justice of the Court was not an accident; he had purposely declined tractation of, or alteration in question; being its denial in the where it first found received private letters persons, warning him which he had brought tion of the House, substantially correct. Besides editor or reporter was unqualified terms of were in those of affairs equally certain, that we called the printer before give the same reason. His observation was that I cannot have my learned gentleman the petition be read.

Mr. Secretary Cann as the complaint contained was that of wilful misbench, courtesy, he have induced the leader to bring forward so questionable shape. man himself admitted to be some mistake in tion; and certainly quiry, he might have real facts of the case nion, the best course draw the petition until man could communicate who were affected by necessary, he might be after.

Mr. Brougham said, cisely one of those cases be unfit for him to accept statement. He had reason, and the whole rest with the petitioner. the course he had adopted night, when presenting statements in which he nothing. He was not inclined to make any statement tion was respectful to be thought it right to present was also just in which he thought

authority. As he was on his legs, he begged leave to say, that his not having alluded to a certain statement which he had on a former occasion made use of, with reference to another Irish judge, the lord chief justice of the Court of Common Pleas, was not an accidental omission; for he had purposely declined making any retraction of, or alteration in, the statement in question; because, notwithstanding its denial in the public newspaper, where it first found a place, he had received private letters from respectable persons, warning him not to retract that which he had brought under the observation of the House, since it was substantially correct. Besides, the letter of the editor or reporter was not couched in such unqualified terms of denial, as his letters were in those of affirmation. It was also equally certain, that when the chief justice called the printer before him, he did not give the same reason for his displeasure. His observation was—"It is very hard that I cannot have my own jokes." The learned gentleman then moved, that the petition be read.

Mr. Secretary Canning observed, that as the complaint contained in the petition was that of wilful misdirection from the bench, courtesy, he thought, ought to have induced the learned gentleman not to bring forward so grave a charge in a questionable shape. The learned gentleman himself admitted that there appeared to be some mistake in one part of the petition; and certainly with some small inquiry, he might have learned what the real facts of the case were. In his opinion, the best course would be, to withdraw the petition until the learned gentleman could communicate with the parties who were affected by it; and if it were necessary, he might bring it forward hereafter.

Mr. Brougham said, that this was precisely one of those cases which it would be unfit for him to accompany with any statement. He had refrained from doing so, and the whole responsibility rested with the petitioner. This was precisely the course he had adopted on a former night, when presenting a petition, of the statements in which he personally knew nothing. He was not in such a case bound to make any statement; but, as the petition was respectful towards the House, though it was not to present it. The House was one of those cases in which the petition should

not be presenting a did contained o ministerir undue im be creat The state vidual wl consequer the possi while, on accused p tradicting

Mr. G charge pr fully misd House re in possess tained in t tion was r whole cou in thinking ing it. It the trial e years ago.

Ordered

PRISON: order of t deration th bill,

Mr. Gre the bill had amendmen only one h was that flogging ha inflicting th bill was w but if it w part of the to nothing those unfo gaols, and Dr. Thwack never rest England fro punishment seven years, in this cou was but a children we then, with t they would streets to th belonging to their admiss (Mr. B.) ha drawings ma



which he intended to get lithographed, and when painted, he should have those representations stuck up in the streets, in the hope of putting down such abominable punishment. According to the present bill, it was not to be even resorted to by way of public example, but was to be inflicted privately in holes and dungeons, without the presence of a magistrate. He should therefore move that the words in the printed bill "or by personal correction, in cases of prisoners convicted of felony, or sentenced to hard labour," be left out.

The House divided. For the Amendment 22; against it 36.

*List of the Ministry.*

Attwood, M.	Palmer, J. F.
Bright, H.	Ricardo, D.
Culburn, R.	Rice, T. S.
Coffin, sir I.	Smith, J.
Denman, T.	Tennyson, C.
Griffith, J. W.	Titchfield, marquis
Hamilton, lord A.	Western, C. C.
Hobhouse, J. C.	Wilberforce, W.
Hume, J.	Williams, J.
Hutchinson, C. H.	TELLERS.
Jones, J.	Bennet, hon. H. G.
Mackintosh, sir J.	Lushington, Dr.
Mouck, C. B.	

NEW SOUTH WALES JURISDICTION BILL.] On the order of the day for further considering the report of this bill,

Mr. *Wilmot Horton* said, that this was a bill which related to New South Wales, most especially in the light of a British colony: whereas, in its previous measures with respect to this settlement, government had always treated it rather as the destination of certain individuals, who were sentenced on account of particular offences to be transported thither from the mother country. In the commissioner's report that had been lately printed, three places had been particularly designated as proper for the foundation of a new settlement, to be so ordered and governed as to combine the two great and, sometimes, incompatible advantages, of effectuating the objects of the law by the imposition of punishment, and of rendering the services of the individuals so punished useful to themselves and to the state. Of these three places, one in particular, which had already had a partial trial—he meant Norfolk Island, situated to the north of the continent, was singularly well calculated, from its climate, and the fertility of its soil, for the establishment of a penal colony. He should therefore move that the words in the printed bill "or by personal correction, in cases of prisoners convicted of felony, or sentenced to hard labour," be left out.

blis-  
tent  
mig-  
to r  
for  
bee  
stan  
the  
visit  
diti  
tem  
it i  
whi  
in v  
mu  
mis  
tim  
the  
ind  
rac  
ulti  
the  
to  
lab  
tler  
on  
tha  
mil  
cei  
infl  
col  
vic  
seq  
out  
bei  
wit  
mis  
it o  
col  
cior  
acc  
bou  
ser  
det  
higl  
trar  
mis  
thei  
felt  
mer  
thor  
requ  
labo  
oug  
of  
whic  
that  
then  
the  
ficia

it would be for the government to consider. He apprehended that some objection would be made to the fourth clause, which provided that all offences should be tried before judges. Some hon. members, he understood, wished that the trial by jury should be substituted for the trial by judges. He, however, was of opinion, that at present it would be unwise to select juries from the peculiar population of New South Wales. It was, however, provided by the bill, that in cases where both parties desired it, trial by jury might be allowed. He concluded by moving, that the bill be re-committed.

Mr. Bright said, that the trial by jury had been always justly considered as one of the proudest marks of freedom. With respect to the colony in question, Mr. Justice Bent had expressly and forcibly recommended that form of trial. It was a great mistake to suppose that the population of New South Wales was not prepared for that form of trial. The colony of New South Wales was not a colony of convicts. There were to be found there many free settlers who had voluntarily embarked their character and their capital; and who, on every principle of justice and policy, were entitled, as free Englishmen, to all the privileges and rights of the constitution. With respect to convicts, many convicts resided in New South Wales, having satisfied the severe penalties of the law, who were at this moment most industrious and valuable members of society, and who were deserving the rights of British subjects. He thought, therefore, that upon every fair view of the situation of the colony, and upon principles of public policy, the trial by jury ought not to be withheld. He thought that the bill professed to settle a variety of objects, too important to be so disposed of at the termination of a session. The trial by jury, as contemplated, was a farce; the Insolvent Court was a system of monstrous absurdity and injustice; and as for the Court of Requests, and the Court of Foreign Attachments, if any necessity for such tribunals existed, their formation might be deferred for another year. The bill was drawn with such an utter contempt of every principle of British jurisprudence, that he doubted whether all the lawyers in the house would ever be able to get it into shape. As for the bill, which was introduced into the colony, what did it do? The members of the colony, who were appointed by the Crown; they

might be had not sure; and nor might without help believe in its pre to the court and he should report be months."

Mr. Bright said, that the trial by jury had been always justly considered as one of the proudest marks of freedom. With respect to the colony in question, Mr. Justice Bent had expressly and forcibly recommended that form of trial. It was a great mistake to suppose that the population of New South Wales was not prepared for that form of trial. The colony of New South Wales was not a colony of convicts. There were to be found there many free settlers who had voluntarily embarked their character and their capital; and who, on every principle of justice and policy, were entitled, as free Englishmen, to all the privileges and rights of the constitution. With respect to convicts, many convicts resided in New South Wales, having satisfied the severe penalties of the law, who were at this moment most industrious and valuable members of society, and who were deserving the rights of British subjects. He thought, therefore, that upon every fair view of the situation of the colony, and upon principles of public policy, the trial by jury ought not to be withheld. He thought that the bill professed to settle a variety of objects, too important to be so disposed of at the termination of a session. The trial by jury, as contemplated, was a farce; the Insolvent Court was a system of monstrous absurdity and injustice; and as for the Court of Requests, and the Court of Foreign Attachments, if any necessity for such tribunals existed, their formation might be deferred for another year. The bill was drawn with such an utter contempt of every principle of British jurisprudence, that he doubted whether all the lawyers in the house would ever be able to get it into shape. As for the bill, which was introduced into the colony, what did it do? The members of the colony, who were appointed by the Crown; they

lation to the past Ireland. To prove of that character it was recollected, had been often told who considered the others who were corrective, yet the time of proposing. When to such a conviction, that a important interests question, the House the solicitude with it. By the articles imposed on parliament secure entire the C Ireland. That obligation first duty to maintain thing that would weaken its efficiency most unwise. pressed the necessity residence of land land; but it was quence to preserve the establishment; have the effect of all he considered as interests of Ireland, aggravate the existing condition. It was persuasion that the bill would strengthen the influence of that he proposed it to the property of Ireland bear in mind, two session of the estate with respect to the fear of contradiction the most considerable proprietors. The question abstract, was not the issue. He was free abstractedly, he did system a bad one thought it, under the best mode of the Establishment; but every species of was so subdivided not a middle class and security of England as well as every other come, stood in a from similar property Ireland, where the rents from 1,500 to stood in reason,

lation to the past and present condition of Ireland. To provide an efficient measure of that character was no easy task, when it was recollected, that though the subject had been often taken up, as well by those who considered tithes a grievance, as by others who were willing to substitute a corrective, yet the present was the first time of proposing any practical measure. When to such a difficulty was added the conviction, that a number of highly-important interests were involved in the question, the House would feel with him the solicitude with which he approached it. By the articles of the Union, it was imposed on parliament as an obligation to secure entire the Church Establishment of Ireland. That obligation he felt it to be the first duty to maintain inviolate; and any thing that would even tend to abridge or weaken its efficiency, he should consider most unwise. Many considerations pressed the necessity of inducing the residence of landed proprietors in Ireland; but it was of the highest consequence to preserve a resident clergy of the establishment; any thing that would have the effect of abridging such residence he considered as injurious to the best interests of Ireland, and most likely to aggravate the existing evils in its internal condition. It was, therefore, with the persuasion that the adoption of the present bill would strengthen, instead of weaken the influence of that enlightened body, that he proposed it to their lordships. Of the tithe property of Ireland, the House would bear in mind, two-thirds were in the possession of the established clergy—and, with respect to them he stated, without fear of contradiction, that they were, by far the most considerate and indulgent proprietors. The question of tithes, in the abstract, was not the question at present at issue. He was free to acknowledge that, abstractedly, he did not consider such a system a bad one; on the contrary, he thought it, under certain circumstances, the best mode of providing for the Church Establishment; but, in Ireland, where every species of property and industry was so subdivided—where there existed not a middle class of society, that stay and security of England, tithe property, as well as every other kind of lauded income, stood in a very different position from similar property in England. In Ireland the proprietor drew his rents from 1 to 2,000 poor tenants, it stood

blame to arise in a composition noble ear the various without a pulsory a better, in subject of cause the the power found ex compulsion of bringing in Ireland mation h of incalc was not measure, quire mod the whole, of the leg impossible be expected be shown had been discussed in and, on the jesty's gov to render i If their lor sure until jectionable never pass

The Mar the princip procity of owner and suggest, it sioners had to add 20 clergyman, such other diminish th objected al the average an average 1821, was high prices passing of struct a sys the resumed rage formed tained unde unfair and objection to the land of holder of whatever; of payment

1847

The latter regulation of  
policy, he stated, he  
some time ago, with a  
view to another plan  
been heretofore present  
agents for the colony,  
stant communication  
expected, and had at  
expecting, that minister  
ported a measure to  
would be in itself a great  
traveller of the petition,  
the necessity of further  
not having been done,  
necessity of making out  
in the liberality, not to  
the humanity of the  
bare and strict justice  
body of men who had  
deprived of their  
afterwards taught to  
rights would have been  
were to the last hour  
miserably disappointed  
stated that the number  
were in number 7,55  
children. It also  
were the persons by w  
industry the colony h  
and cultivated, and rais  
state of prosperity. Th  
forth, that they possess  
of cultivated land, 21  
1,200 houses in towns  
cattle, 174,000 sheep,  
colonial vessels of  
150,000 employed  
ture, making in all a  
million sterling. They  
that in consequence of  
ed by his Majesty, in p  
of parliament, they had  
and allowed the rights  
by a determination of  
of New South Wales, t  
sequence of *laches*, for  
not answerable, deprive  
to which they had bee  
omissions were charges  
departments of the stat  
or registering the pard  
specified by the act, an  
general pardon, as ought  
whereby one condition  
liament was not perfor  
titioners were, in cons  
to be in the situation o  
They could not see or  
of justice; they could  
or enjoy any other  
VOL. IX.



the better regulation of the colony. The petition, he stated, had been sent over some time ago, with another to be presented in another place, but had not been heretofore presented, because the agents for the colony, who were in constant communication with Government, expected, and had strong grounds for expecting, that ministers would have supported a measure in the House, which would be in itself a gracious answer to the prayer of the petition, and would prevent the necessity of further application. That not having been done, he was under the necessity of making one more appeal, not to the liberality, not to the equity, not to the humanity of the House, but to its bare and strict justice, in behalf of a body of men who had been unjustly deprived of their rights, who were afterwards taught to believe that those rights would have been restored, but who were to the last hour most cruelly and miserably disappointed. The petition stated that the emancipated colonists were in number 7,556, having 5,859 children. It also stated, that they were the persons by whose labour and industry the colony had been cleared and cultivated, and raised to its present state of prosperity. The petitioners set forth, that they possessed 29,000 acres of cultivated land, 212,000 in pasture, 1,200 houses in towns, 42,988 head of cattle, 174,000 sheep, 2,415 horses, 15 colonial vessels of different burthens, 150,000 employed in trade and agriculture, making in all a capital about a million sterling. They stated, likewise, that in consequence of instructions issued by his Majesty, in pursuance of an act of parliament, they had been manumitted, and allowed the rights of freemen, until by a determination of the Supreme Court of New South Wales, they were, in consequence of *laches*, for which they were not answerable, deprived of the privileges to which they had been admitted. The omissions were chargeable on the public departments of the state, in not inserting or registering the pardons in the manner specified by the act, and in not issuing a general pardon, as ought to have been done, whereby one condition of the act of parliament was not performed, and the petitioners were, in consequence, decided to be in the situation of attainted felons.

or be sued in a court  
not give evidence  
of the legal rights

which be  
They, th  
into cons  
upon th  
Judicatu  
such reli  
The hon  
that he c  
but an irr  
House, a  
the Hou  
the bill t  
ed to affi  
titioners,  
ministers  
delay of  
next Ses  
objected  
which wa  
into the  
Ordere

DISTIL  
understan  
the Chan  
upon the  
relative to  
inform hi  
that clau  
who pray  
their cou

The C  
he was su  
clause to  
The objec  
to establis  
Ireland ar  
regulation  
It would l  
as much a  
English;  
made son  
the report  
it was to  
present la  
avail him  
English r  
twelve mo  
of which  
Now, he  
this law w  
ler; but a  
of the Eng  
rially affec  
intended to  
the House  
counsel if  
ever, that  
long, that  
in the pr  
5 A

### **[1461] Collection and**

same account, they decide, in a moment, on that were now about this, to say the least clumsy mode of legislation the custom which had of having a separate one to the spirit trade, for and Scotland. It estimates; and the consequences those who were near the authority—he meant those—obtained advantages who resided in other parts. He hoped that one adopted for the whole.

Mr. Wallace said, that the hon. member three clauses was but an indication of the anxiety which government felt to meet the wishes. The question had been discussed by those who were most competent, and there was not a clause founded on the suggestions of themselves. To the lords of Ireland and of Scotland looked for the success, and if they afforded it success, the bill would accomplish what those who framed themselves.

Several clauses proposed by the Chancellor were then assented to. The bill was passed.

**COLLECTION AND THE LAND TAX.]** Mr. Wallace said, in what he was about introducing some resolutions for the collection of the Land Tax, he intended to occupy more time, but having devoted more attention to the consideration of the bill in which this tax had been introduced, he could not allow the opportunity of government to pass without taking the opportunity of government to pass. Ever since he had called on parliament to inquire into the extensive consequences of the land-tax, he felt convinced that the land-tax was raised, it imposed a considerable expense on the public, and a needless loss of the community. For the occasion to which he did indulge a hope

## 1461] *Collection and Management of the Land Tax*

same account, they were now asked to decide, in a moment, on the mass of clauses that were now about to be proposed. This, to say the least of it, was a very clumsy mode of legislating. He deprecated the custom which had so long prevailed, of having a separate system with respect to the spirit trade, for England, Ireland, and Scotland. It established adverse interests; and the consequence was, that those who were near the head-quarters of authority—he meant the English distillers—obtained advantages over the distillers who resided in other parts of the empire. He hoped that one system would be adopted for the whole country.

Mr. *Wallace* said, the opposition which the hon. member threatened to the new clauses was but an indifferent reward for the anxiety which government had manifested to meet the wishes of all parties. The question had been discussed with those who were most affected by the bill, and there was not a clause which was not founded on the suggestion of the parties themselves. To the landed gentlemen of Ireland and of Scotland, government looked for the success of this measure: and if they afforded it support, he believed the bill would accomplish all the objects which those who framed it promised to themselves.

Several clauses proposed by Mr. *Heries* and the Chancellor of the Exchequer, were then assented to. After which, the bill was passed.

COLLECTION AND MANAGEMENT OF THE LAND TAX.] Mr. *Hume* said, that in what he was about to state, upon introducing some resolutions relative to the collection of the Land-tax, it was not his intention to occupy much of their time; but having devoted much labour and attention to the consideration of the manner in which this tax had been long collected, he could not allow the session to pass without taking the opportunity of calling the attention of government to its serious importance. Ever since he had been induced to call on parliament to institute an inquiry into the extensive subject of the receivers-general and their officers, he had felt convinced that the mode in which the land-tax was raised in this country imposed a considerable expense on the public, and that upon some clause that passed on that subject, the Chancellor

of the Exchequer adopted abuses ex publico re. evidence that the control of tax, did, that it be amount of informati. The commment was, raised up the act required. 3 clear, the protection. In about the variety of been made complete, Such, however, table, the sex, and eight districts the land-tax balance to be levied act. The (38 George in its end, therein the joined to raised in general of tracts; and under his hands any Now, the this revenue resident were to be rated for a poundage. tal to the specific to office of interest was and active. an election question of county in gentlemen so all the necessity of their duty requisite at certain it had they

manner consistent with the injunctions of the act of parliament. In the few instances wherein they had executed their offices properly, they had raised larger quotas than those which were fixed and ascertained by the act. Under that act, it must be quite manifest to hon. gentlemen, that the general quota to be raised having been limited and fixed in 1798 by the government, ought always to be the same. As the amount, then, had not hitherto been, and could not, under the statute, hereafter be changed, so the sum to be paid over to the receiver-general ought always to be the same. It was well known, however, that sometimes a large deficiency was experienced upon such sum; and then it, of course, became necessary to add a small proportion to the next assessment in order to cover such loss on the assessment of the preceding year. Now, there was no reason why the grievance of this addition should ever exist at all, if the commissioners of the land-tax did their duty, or if the Tax-office exercised their authority. He mentioned the Tax-office, supposing that board to be good for any thing—but, on the contrary, he was satisfied in his own mind that it was good for nothing. There was not a more useless board in the whole country, except for the purposes of litigious and vexatious proceedings. He contended, that it was the duty of the commissioners, whenever a larger revenue was raised in one year than was due under the quota assigned, to carry the excess to the credit, or in diminution of, the assessment for the next year. In some districts this had actually been done; but the general result of the returns in question was, to show, that the collectors had proceeded contrary to the provisions of the act of parliament, and that for the parties aggrieved there was little or no redress. In any other case, almost any man might become a public prosecutor; but in this, which was a case of manifest public and private injury, he could not become a prosecutor, unless he could demonstrate his own immediate personal interest. Until last year it was absolutely not known that the abuses of which he spoke had any existence. Of their existence, however, no better proof could be adduced than was furnished by one of the returns, attached to which was a note to this effect—

—

of assessment retained in the applied in aid of the assessment, and the surplus always applied to the same purpose.

chequer to say, "it is sufficient that that sum has been collected;" for this was to leave individuals, however wrongfully assessed, without remedy or protection. The commissioners of the tax were appointed by the lords of the Treasury. He did think, that for their conduct and actions, they ought in this, as in other respects, to be responsible to the Treasury. Where an excess had been raised, it seemed that the greater part of it had been paid for "allowances and expenses;" but all these were provided for already, out of the poundage of the collectors. From what had been stated, it must be quite clear to the House, that the lords of the Treasury, having taken no steps in the business, with all these facts before them, it was time for parliament to interfere, and put an end to such a system of things. The return given in, instead of being for 20 years, were mostly for 5, 8, or 10; and if this was a deficiency owing to the loss of books and papers, sufficient ground was alleged to show, that as commissioners and collectors, in the course of things, might thus be enabled to play into each other's hands with impunity, some place and arrangement ought to be assigned for the better managing, keeping, and recording such books, accounts, and papers. As far as he could collect, it might be shown, that in 20 years, there had been an excess raised upon the districts of London, Middlesex, and Westminster, amounting in the aggregate to no less than 162,000*l*. He really wished the House to examine so important a matter as this was, where surpluses of such amount had been in no sufficient way accounted for. He was aware, indeed, that for the last 20 years the public accounts had been very imperfectly kept; but surely here was a subject that loudly demanded investigation. The hon. gentleman then entered into a statement of the substance of his resolutions, observing, that the aggregate deficiency in the course of 20 years, as on the sum accounted for compared with the sum raised, was so large, that he hardly could venture to name it; it appeared to be between 700,000*l*. and 800,000*l*. After a further observation on the return, the hon. gentleman expressed his hope, that in the session next

session. attention  
pense of  
with this  
small amo  
years. T  
exonerati  
of 388,94  
to commis  
exonerati  
lands. B  
of was, 11  
89,604*l*. a  
missioners  
poundage  
this large  
quite conti  
gislature, a  
plan. He  
ance shoul  
mention or  
which som  
sioners of  
There was  
the commis  
sion, and li  
though he  
both, he d  
when the  
plained of  
he had be  
without ha  
him, though  
turns in th  
for all that  
was a part  
turns. He  
practice ha  
He next  
House to  
The object  
was, to ex  
livings, un  
land-tax.  
pense that  
time under  
that in th  
exonerated  
commission  
and corpor  
and in 1821  
expenses of  
years (incl  
of the two  
lord Glenb  
n to  
than 4,  
ought  
to c



holders of such give notice within a given time, after which the land-tax on them might be abolished, and the expense of the commission saved? This was a subject fully deserving the consideration of ministers, and certainly, if something was not done between this and the next session, to remove this unnecessary expenditure, he should feel it his duty to call the attention of the House more particularly to it. The hon. member then recapitulated the leading points of his argument, and concluded by observing, that much of the public money had been already thrown away, by the mode adopted with respect to this tax, that might have been spared, but that still a very considerable saving might be made to the country, if government would adopt measures for purchasing the remaining land-tax. He then moved the following resolutions:

“ 1. That, by various returns presented to this House, during the last and present session of parliament, it appears, that the land-tax of England and Wales, made perpetual by the act of 38 Geo. 3rd, c. 60, was fixed at 1,989,673*l.*: that that amount was received and accounted for in each of the two years 1797 and 1798; and that, in the year ending the 5th of January, 1822, the amount of land-tax received and accounted for was only 1,234,168*l.*, showing a diminution of 755,505*l.* in the annual receipt.

2. “ That from the period of passing the act of 38 Geo. 3rd, c. 60, to the 5th of January, 1822, the sum of 692,613*l.* of land-tax in England and Wales has been redeemed; and under the act of 46 Geo. 3rd, c. 133, and other acts, small livings and charitable institutions have been exonerated from the land-tax, to the amount of 8,801*l.*, making together the sum of 701,414*l.* redeemed and exonerated in the 23 years.

3. “ That these returns show an actual reduction between the amount received in the years 1821 and 1798, in the annual amount of land-tax, of 755,505*l.*, whilst the sums redeemed and exonerated, amount only to 701,414*l.*, making a difference and deficiency of annual land-tax of 54,091*l.* to be accounted for.

4. “ That out of 701,414*l.* of land-tax redeemed and exonerated in the 23 years ending 5th January, 1822, there remains 600,907*l.* to be accounted for.

to be entered in any of the returns made to parliament which purport to contain an account of all the expenses incurred under the said acts.

7. " That, by a return made to parliament this session, it appears that there has been paid into the receipt of the Exchequer by the receivers-general of land-tax, on account of interest on instalment considerations, and other payments deferred, since the passing of the act of the 38th of Geo. 3rd. c. 60, to the 5th of January, 1823, the sum of 211,517*l.*; whilst only 75,968*l.* appear to have been accounted for in the finance accounts annually laid before parliament.

8. "That whilst in the nine years from the 5th of January, 1813, to the 5th of January, 1822, the total amount of tax redeemed and exonerated has been only 40,507*l.* the expenses in the same period have amounted to no less a sum than 82,487*l.* exclusive of 38,949*l.* paid to clerks of districts for poundage on land-tax, after it had been redeemed.

9. " That although the amount exonerated under the direction of the commissioners for the redemption and exoneration of church and corporation lands in the year 1820, was only 3*l.* 17*s.* 4*d.* and in 1821, only 2*l.* 7*s.* and the expenses of their office during those two years, (including 600*l.* per annum each to two acting commissioners, and 400*l.* per annum to a secretary) amounted to no less a sum than 4,662*l.* 19*s.* 2*d.*, yet it does not appear that his majesty's ministers have taken any measures to free the public from so great and unnecessary a charge."

**On the first resolution being put,**

The *Chancellor of the Exchequer* said, that having been favoured with a sight of the resolutions, he did not expect that their discussion could have called for such observations as those in which the hon. member had indulged, with respect to the disbursements made by the commissioners of land-tax, out of the public money. If there were any such as he had mentioned, no doubt it was wrong; but the hon. member must be aware, that those commissioners were appointed by act of parliament, and were not under the control of the Treasury. It could not, therefore, be expected that government could be prepared to answer upon those points.

Leaving them, then, he would come to the job; he trusted, that in a show that they ought

not to be first resolved that the made per was fixed that by th was name annual La another a land-tax p its basis th was introd pensions a perpetual. 127,000/. the same a 127,000/. v gulated by of this sun it was redu stood in 11 amount in man had, i roneous cal ductions fo ly erroneou the right h the sum of lection and money thro already gai tion of the ever, that worthy of ment, in or be reduced amount of years was i recollect, t very extens ence to main was vested he would ha far it might establishme member wo commission under the ment, and t the Treasur introduction The Treas disposition had occurre should feel facts, how i performed, expense to inquiry, he present.

a very few instances executed; that a considered the commissioners, and oath before the gether with the baron, reported it was not alleged to application of a practice at any fe

6. "That it is ninth report, that made by the present fees, which order, been accused the said lord chief has been subsequent currency, whereof fees has been any

7. "That it is ninth report that to the said lord and signing every clear fee, of the exemplification of four seals), but then to the lord chief decree, or any co

8. "That it is ninth report, that made by the present ancient fees so paying signing a decree, the previous process the cause for which, a like fee paid to the lord of the decrees, although decrees appears that a select committee the statement of the evidence taken commissioners, at chief baron, and House, and these been referred by to the said committee further examination and of other witnesses to this House, that exemplifications understood and made Exchequer, and appointment of the the fee upon signing only fee accruing upon the passing

9. "That the missioners of in evidence taken

a very few instances, when intended to be executed; that a select committee, having considered the statement of the said commissioners, and the evidence taken on oath before the said commissioners, together with the reply of the lord chief baron, reported to this House, 'That it was not alleged that the extension of this application of a fee was warranted by practice at any former period.'

6. "That it is stated in the aforesaid ninth report, that, pursuant to an order made by the present lord chief baron, certain fees, which had, previously to such order, been accustomed to be received for the said lord chief baron in Irish currency, has been subsequently charged in British currency, whereby the amount of such fees has been augmented 8½ per centum."

7. "That it is stated in the aforesaid ninth report that an ancient fee is payable to the said lord chief baron on perusing and signing every decree, and a like ancient fee, of the same amount, for every exemplification of a decree (not under the four seals), but that no other fee is payable to the lord chief baron, in respect of any decree, or any copy thereof."

8. "That it is stated in the aforesaid ninth report, that, pursuant to an order made by the present lord chief baron, the ancient fees so payable on perusing and signing a decree, has been collected on the previous proceeding of setting down the cause for hearing, notwithstanding which, a like fee was again demanded and paid to the lord chief baron on making up the decrees, although one only of such decrees appears to have been exemplified; that a select committee having considered the statement of the said commissioners, the evidence taken on oath before the said commissioners, and the reply of the lord chief baron, and having reported to this House, and these several reports having been referred by his majesty's government to the said commissioners, they have, after further examination of the lord chief baron, and of other witnesses on oath, reported to this House, that the distinction between exemplifications and copies had been understood and maintained in the court of

Exchequer, and that previously to the appointment of the present lord chief baron the fee upon signing a decree had been the

of the court  
founded upon  
and upon the

examined  
himself  
two  
to the  
mitted  
liame  
vertin  
to Br  
the fe  
tion c

On  
resolu

Th  
victio  
attrib  
resolu  
place  
a cen  
some  
had  
body,  
viz.

Hous  
ascrib  
made  
in Ire  
impro  
judge

Mr  
opin  
hon. a  
wish t  
propo

Mr.  
have l  
resolu  
pressi  
from  
by wh  
of a g

Mr.  
hon. a  
not co  
had bi

Dr.  
taken  
gentle  
movin  
cative

Mr.  
clined  
hon.

certain  
of the  
putabl  
howev

the  
years  
5 B

[477] *English Co*

did not know how to  
It was for those who  
something in the cha  
Catholics which ren  
to grant them what  
had so long enjoyed  
danger. For himself  
that if there was a  
two classes of pers  
meaning to cast any  
tholics) in favour of  
land. He knew it m  
elective franchise had  
stances abused in Ire  
been manufactured,  
holders driven up in  
But not a small port  
those proceedings a  
cessive governments  
whenever a common  
marketable, it was  
human infirmity sho  
possession of that  
poses of personal in  
their lordships would  
subject was new, and  
were unaccustomed;  
sition to place the En  
the Irish Catholic wa  
thirty years ago, was  
which it was difficult  
deal with. Nor, he  
said, that the Catho  
not petitioned for t  
therefore that it w  
communicate to the  
they had not sought  
understood that wh  
the constitution we  
class of his majesty's  
for the exclusive ben  
for the benefit of the  
Therefore, although  
presented from the  
(and indeed, had he  
would not have adv  
a petition for a meas  
present), yet, if the  
the measure right, I  
that that was a groun  
to be rejected. Th  
especially to hesitate  
to place the Catholic  
same footing as the C  
at a time when the  
the two countries wa  
ing, and when the  
were more closely  
respect, even down  
wore, and the prod



did not know how to argue the subject. It was for those who thought there was something in the character of the English Catholics which rendered it dangerous to grant them what the Irish Catholics had so long enjoyed, to point out the danger. For himself, he was persuaded, that if there was any difference in the two classes of persons, it was (without meaning to cast any slur on the Irish Catholics) in favour of the Catholics of England. He knew it might be said, that the elective franchise had been, in many instances abused in Ireland, that votes had been manufactured, and 40-shilling freeholders driven up in herds to the hustings. But not a small portion of the blame of those proceedings attached to the successive governments of that country; for, whenever a commodity was found to be marketable, it was not surprising that human infirmity should avail itself of the possession of that commodity for purposes of personal interest. He trusted their lordships would not be told that the subject was new, and one to which they were unaccustomed; and that the proposition to place the English Catholic where the Irish Catholic was placed twenty or thirty years ago, was consequently one which it was difficult and hazardous to deal with. Nor, he hoped, would it be said, that the Catholics of England had not petitioned for this concession, and therefore that it was not necessary to communicate to them advantages which they had not sought. He had always understood that when the privileges of the constitution were conferred on any class of his majesty's subjects, it was not for the exclusive benefit of that class, but for the benefit of the whole community. Therefore, although no petition had been presented from the English Catholics (and indeed, had he been consulted, he would not have advised them to present a petition for a measure so limited as the present), yet, if their lordships thought the measure right, he did not conceive that that was a ground on which it ought to be rejected. Their lordships ought especially to hesitate before they refused to place the Catholics of England on the same footing as the Catholics of Ireland, at a time when the intercourse between the two countries was every day increasing, and when the inhabitants of both were more closely assimilated in every respect, even down to the clothes they wore, and the produce they consumed.

It had been this bill in England in Protestant would decide the contrary present bill Dissenter in certain offices be excluded place the precisely as given of Ireland, main exposure act, from only by an

Lord Russell. To give the said, to give sequence of the elective tion of two Protestant lity to each sent to any to overturn which ever maintain. risk the sac he thought that establi look at the William, who to repeal.

as a security ment, was in In his opinion in the present William. As he denied it was distinct should be in Ireland. The moving, the time that day

The Earl with great claims of the land brought of all consid politics and conduct of a period, entitled which could sistently with tion. There could be up those pri conced which

for there were very few ranks of life, and not the lowest, who did not prefer that to these most dreadful were indebted for many blessings which we enjoy. Innovation was an innovation itself was a glorious innovation. The historian of the Roman Empire that in the reign of the heathen high priest pronounced before that emperor, in view of the danger of innovation, treated him not to suffer preaching in Rome. " "

(said the sacerdotal petitioner) "steal you in my old age old institutions; these rites from our walls; disturb my declining years by of any innovation; suffer undisturbed possession of has flourished for so many reasoning of this high priest conclusive as that of the churchmen of the present alarmed at the bare mention of innovation in church or state, necessary or advisable. It might high priest and the high church ed to have forgotten that obstinate adherence to old resolutely opposed to a weak and dangerous accidental desire of change period of time, a remarkable public opinion had taken home and abroad, on religious as well as civil liberty now venture to assert, contradiction, that a vote of the members of the church were decidedly in favour of emancipation. No petition been presented against London, Westminster, &c. of the populous and considerable. The great and well-informed Protestant Dissenters in honour, declared, in the terms, their desire of equalities to which their brethren were subjected turned to foreign countries find that in Russia, Prussia, and in Austria, the have been lately admitted to legation, from which our were excluded. In France heard of a single petition

for there were very few in the middle ranks of life, and not many even in the lowest, who did not perfectly understand, that to these most dreaded innovations we were indebted for many of the greatest blessings which we enjoyed. The Revolution was an innovation; Christianity itself was a glorious innovation. The historian of the Roman empire informed us that in the reign of Valentinian, a heathen high priest pronounced an oration before that emperor, in which he warned him of the danger of innovation, and entreated him not to suffer the Gospel to be preached in Rome. "Reverend sire," (said the sacerdotal petitioner), "I beseech you in my old age to reverence our old institutions; these rites drove Hannibal from our walls; disturb not the repose of my declining years by the introduction of any innovation; suffer us to retain the undisturbed possession of a religion, which has flourished for so many years." The reasoning of this high priest was fully as conclusive as that of the christian high churchmen of the present day, who were alarmed at the bare mention of any innovation in church or state, however necessary or advisable it might be. Both the high priest and the high churchman seemed to have forgotten that a blind, doting, obstinate adherence to old establishments, resolutely opposed to all reform, was as weak and dangerous as a wild and irrational desire of change.—Within a short period of time, a remarkable change of public opinion had taken place, both at home and abroad, on the subject of religious as well as civil liberty; and he might now venture to assert, without fear of contradiction, that a very large majority of the members of the established church were decidedly in favour of Catholic emancipation. No petitions had recently been presented against the measure from London, Westminster, Southwark, or any of the populous and commercial districts. The great and well-informed body of the Protestant Dissenters had, highly to their honour, declared, in the most unequivocal terms, their desire of seeing all the penalties to which their Roman Catholic brethren were subjected abolished. If we turned to foreign countries, we should find that in Russia, Prussia, and he believed in Austria, the Protestants had been lately admitted to those civil privileges, from which our Catholic brethren were excluded. In France, he had never heard of a single petition having been pre-

sented from the admission of the situation of The establishment the only which, in their intolerance of persecutions right reverend to raise my artus." It dual in a franchise declare his ser for he had experience, his duty would clergyman whose opinion the great That he might of censuring entitled to own, he would tions which a passage from and practice sat on the who enjoyed being the p ened, liberty William St Burnet, the and useful William, with and civil but sole ground fidelity, with gious opinions, portunities, the Revolution but, let us unity to slip fears which and narrow the door on breaches p add, that to into his had another from diocese of N further con was needless their lordsh the prayer c

The Bishop lords, on the fore the He differ so with brother who from thinkin

The *Lord Chancellor* never be induced to give these concessions, unless they could be consistent with the interests. He had long had the honor of being the right reverend (bishop of Norwich), and to entertain a higher respect for the law; but he could not do that right rev. lord could do his duty, the sentiment he uttered that night. He was agreeing with the right opposition to the Catholic bill, and in this course he was satisfied it had greatly improved the recent period. He was of the parties who had brought the bill, and that they had intended to bring it at a period of great importance, but it was impossible that it should be discussed, but certainly it was a friend to those claims, and he avoided bringing them forward. Such a proceeding was inconsistent with the dignity of the House, and, if it were for that reason, they should vote that these bills should not come forward at that time that day, but they would, however, their lordships were so differently, it might be to draw their attention to the matter. They were, in fact, of extraordinary pieces of legislation yet seen. If it was to be a Roman Catholicism from the supremacy, why was not that in the preamble of the bill? It would weaken the prerogative of the crown, which he would never consent to liberating Roman Catholics from the oath of supremacy recited in the preamble, and he would never admit that any man could bear a true and faithful oath, and he denied the supremacy, and these bills were brought forward at the period of the next session, and his objection to their discussion could never give his countenance to a matter of so much importance, and it was impossible that it should be debated. When it was proposed to repeal the 7th and 8th Acts, it was not considered that the Act must be repealed, and the repeal could take effect, and the prelate had called the question. It was the first

The *Lord Chancellor* said, he could never be induced to give his consent to these concessions, unless he were satisfied that they could be granted consistently with the interests of the public. He had long had the happiness of knowing the right reverend lord opposite (bishop of Norwich), and no man could entertain a higher respect for him than he did; but he could not understand how that right rev. lord could reconcile with his duty, the sentiments which he had uttered that night. He was so far from agreeing with the right rev. lord, that the opposition to the Catholic claims had diminished in this country, that he was satisfied it had greatly increased within a recent period. He would not impute to the parties who had brought in these bills, that they had intentionally introduced them at a period of the session when it was impossible that they could be fully discussed, but certainly, if he had been a friend to those claims, he should have avoided bringing them forward at such a time. Such a proceeding was not consistent with the dignity of the House; and, if it were for that reason alone, he should vote that these bills be read a second time that day three months. If, however, their lordships should think differently, it might be necessary to call their attention to the nature of these bills. They were, in fact, one of the most extraordinary pieces of legislation he had yet seen. If it was meant to absolve Roman Catholics from taking the oath of supremacy, why was not this stated in the preamble of the bill? If it was meant to weaken the prerogatives of the Crown, which he would never consent to do, by liberating Roman Catholics from taking the oath of supremacy, why was this not recited in the preamble? He would never admit that any man could be said to bear a true and faithful allegiance, who denied the supremacy of the Crown. If these bills were brought forward at a proper period of the next session, he had no objection to their discussion; but he could never give his consent to a measure of so much importance, at a period when it was impossible that it could be fully debated. When it was proposed to repeal the 7th and 8th of William III., it was not considered that other acts of parliament must be repealed, before that repeal could take effect. The right rev. prelate had called the Revolution an innovation. It was the first time he had ever

heard it so not an innovation the constitution some distinction the establishment dissented from the revolution in the state of formation a finding, that the difference between the Dissenters. bishop Hoad have been a revolution. It was established in the Statute the Church. of concessions made up. His opinions affected by the opposition to the bill being because he the House was being called session, to provoke of never proposed that the government.

The Earl bill of which chose to continue three months parliament; and there was the come earlier would admit (esdale), that ment in 1793. the elective franchise of the Catholics many of the estates this day labourers general admission holders to the great subdivisions, so as had caused moral morality among did not, however class of persons Roman Catholics because the poor, paupers, and influence with liable, under abuse. But,



bill until next session time for its full consideration, he had, he confessed, in the shape of argument, had, indeed, heard a several millions of those who conscientiously of supremacy were loyal. To this he would not be deterred by any means, he held such an opinion, he was endeavouring to win power from such disapprobation, the learned lord on this occasion objected to the loyalty, he refused to take particular notice of, on a former occasion, and in principle against which. In a bill which had passed the House, and to which he made no objection—certain oaths there were a sufficient test of loyalty, those which were given, such,

*The Earl of Liverpool* objected to the second reading, as he understood. He did not object to its principle, but to its application to particular offices to which persons were to be made eligible.

The House divided. Proxies 30—73. No proxies 39—80. Majority 43.

IRISH TITHES COMMISSION. On the order of the committee on this bill.

*Lord Clifden* moved for a resolution to the committee to add a clause to empower them to appoint a commission to settle the amount of tithes, such amount to be ascertained with reference to the value of tithes for a specified period previously to the valuation.

*The Earl of Liverpool* believed that ultimately it would be necessary to add a compulsory bill, was of opinion, that it would result from trying this measure in the first instance.

*Lord King* said, that the introduction of a compulsory bill would be nugatory. The lords opposite well knew that the best means of affording relief to the church of Ireland was

Bill until next session, in order to give time for its full consideration. As to the first, he had, he confessed, heard nothing in the shape of argument against it. He had, indeed, heard an insinuation that the several millions of his majesty's subjects who conscientiously objected to the oath of supremacy were not constitutionally loyal. To this he would answer, that if he held such an opinion, he would not be deterred by any motive whatever from endeavouring to withdraw all political power from such disloyal hands. But the learned lord on the woolsack, who objected to the loyalty of those who refused to take particular oaths, had on a former occasion, admitted the very principle against which he now contended. In a bill which had passed their lordships' House, and to which the learned lord had made no objection—it was stated, that certain oaths there prescribed were a sufficient test of loyalty, without requiring those which were generally required as such.

The Earl of *Liverpool* wished his objection to the second bill to be distinctly understood. He did not object to its principle, but to its not specifying the particular offices to which the Catholics were to be made eligible.

The House divided: Contents 43. Proxies 30—73. Not-contents 41, Proxies 39—80. Majority against the bill 7.

IRISH TITHES COMPOSITION BILL.]  
On the order of the day for going into a committee on this bill,

Lord *Clyden* moved, that it be an instruction to the committee, to introduce a clause to empower the Lord Lieutenant to appoint a commission for the purpose of settling the amount of composition for tithes, such amount to be determined with reference to the sums paid for tithes for a specified number of years previously to the valuation being made.

The Earl of *Liverpool*, although he believed that ultimately it would be necessary to add a compulsory clause to the bill, was of opinion, that more advantage would result from trying it as a voluntary measure in the first instance.

Lord *King* said, that without the introduction of a compulsory clause the bill would be nugatory. That the reverend lords opposite well knew. To get rid of the tithes was his opinion, the principal cause of

the unbaptized. The establishment by its members by country a not the priest. It did not, among me it did not good. It of Christ. Irish people Irish farm compared. It was not to saddle and. The poor priest and also. One and the other that some church established and that I grace in the ties without to the nobles whether he formed in grace and formed by Hatton-gar tithes. He ble earl at the he under the garden, as which the. If the minister had for a hundred heads, he church have priests will lord conclude church of its privilege order to pre

Lord *Ellenborough* bill would compulsory it was in it would not vi sure was no required. commutation the composition. Lord *Holbrooke* to state the tended to vote which would against, the committee. The

by the Irish parliament. He de-  
from the attack of the noble ba-  
clergy of Ireland; than whom, he b-  
a more respectable body did not  
any country; and as to their  
with respect to tithes, he believed  
sons behaved more liberally. He  
mean to say that the measure be-  
House was a perfect one; but it w-  
by the operation of this bill that  
difficulties of the case could be  
stood. For these reasons, he felt  
to oppose the motion.

The House then divided: For the  
motion 11. Against it 34. The bill  
went through the committee.

#### HOUSE OF COMMONS

*Wednesday, July 9.*

PENITENTIARY AT MILLBANK.  
Secretary Peel said, that in conse-  
of the sickness which prevailed  
Penitentiary, it would be desirable  
fer upon the governors of the inst  
the power of a temporary removal  
sick prisoners to places where their  
very was likely to be facilitated  
hoped that, under the circumstances  
House, even at that late period  
session, would not object to allow  
bring ~~the bill for the removal of~~ to  
removal

to the 1st of Aug.

only been struck out, because differences of opinion arose with respect to the sort of compulsion. He contended for the equity and legality of the principle of treating with tithes by act of parliament. The right of ownership in the land was a right subject to the charge of the tithes, and the tithes could not belong to the owner of the land under any circumstances. He was not prepared to advocate every law which stood upon the Statute-books, and among those which he admitted to be unjust he should not hesitate to reckon that of agistment passed by the Irish parliament. He defended from the attack of the noble baron the clergy of Ireland; than whom, he believed, a more respectable body did not exist in any country; and as to their conduct with respect to tithes, he believed no persons behaved more liberally. He did not mean to say that the measure before the House was a perfect one; but it was only by the operation of this bill that the real difficulties of the case could be understood. For these reasons, he felt obliged to oppose the motion.

The House then divided: For the motion 11. Against it 34. The bill then went through the committee.

## HOUSE OF COMMONS.

Wednesday, July 9.

PENITENTIARY AT MILLBANK.] Mr. Secretary *Peel* said, that in consequence of the sickness which prevailed in the Penitentiary, it would be desirable to confer upon the governors of the institution the power of a temporary removal of the sick prisoners to places where their recovery was likely to be facilitated. He hoped that, under the circumstances, the House, even at that late period of the session, would not object to allow him to bring in a bill for conferring a power of removal similar to that which was possessed with respect to persons confined in the Hulks. He then moved for leave to bring in a bill, to authorize the temporary removal of convicts from the General Penitentiary.

Mr. *M. A. Taylor* expressed his approbation of the motion, as in all cases of illness, change of air was advised. He denied that there was any ground for the prejudice, that the Penitentiary was unwholesome on account of its vicinity to the river. He said that the number of prisoners in the Penitentiary, 43,

persons in the infected

Mr. *H* was by no means a sickness in the circumstances.

Mr. *P* ground his objection on the late provisions of the law relating to the

BEER the purpose of the common discharge of the particular which the brewers were to be exempted from the duty it would cause, he had been a struggle for the former. would be a session.

service, a subject a port him disposed of parties different. Poor had The bill.

the bland induced a days and and been but offer any one compelled

Mr. *H* gentleman in the bill in the to had been peculiar It had been for a duty, but circumstances early notion for amount

Mr. *A* assured him that the number of prisoners in the Penitentiary, 43,

1977

## **Foreign**

could be carried into  
circuits, at least while  
Judges remained the same

**Mr. M. A. Taylor.**

a third assize, and felt  
be very objectionable to  
the juries in the sever  
assizes were quite suff  
hours of the Bench was  
be reasonably expected  
they ought to appoint  
them, upon those circu  
extraordinary business :

There was one officer who immediately put upon that distinguished Carritor Baron of the true that the worthy gentleman that office was advanced would be well to take care that the officer should be appointed who might furnish the

Mr. Scarlett said, the government directed a second through the northern circuit to have taken care to tional expenses to which subjected the judges.

**Mr. M. A. Taylor** said none of that blame upon him had done all that was in accommodation of the judges, only done so in his own request of lord Sidmouth on the bishop of Durham's lordship if he would be to take in the judges a winter, the same as he on the spring assizes. A friend told him if he would not take them he would entreat the lord to let younger judges for the great inconvenience and means of attending the visits of the old judges over the subject of the expenses with Mr. Justice. He strongly advised an appeal judges themselves upon Justice Park had said, nothing to do with it. The learned brethren were if they pleased, but, as party enough for an increase of it, he would continue expenses.

Mr. Peel said, that the  
he had to make to the  
hon. member was, that the  
extraordinary expenses of



could be carried into effect on the other circuits, at least while the number of the Judges remained the same.

Mr. *M. A. Taylor* did not approve of a third assize, and felt sure that it would be very objectionable to those who formed the juries in the several circuits. Two assizes were quite sufficient. If the labours of the Bench were more than could be reasonably expected from the judges, they ought to appoint others to relieve them, upon those circuits where the extraordinary business might require it. There was one officer who might be immediately put upon that duty. He meant the Cursitor Baron of the Exchequer. It was true that the worthy gentleman who held that office was advanced in years; but it would be well to take care, when his successor should be appointed, to select a person who might furnish the required assistance.

Mr. *Scarlett* said, that when government directed a second assize to be held through the northern circuit, they ought to have taken care to provide the additional expenses to which they had subjected the judges.

Mr. *M. A. Taylor* said, he could take none of that blame upon himself, for he had done all that was in his power for the accommodation of the judges. He had not only done so in his own county, but at the request of lord Sidmouth, he had waited on the bishop of Durham, and asked his lordship if he would have any objection to take in the judges at the Castle in the winter, the same as he had done hitherto on the spring assizes. That right reverend person told him in plain terms, that he would not take them in, and requested him to entreat the lord chancellor to select younger judges for the circuit, alleging the great inconvenience as to the attendance and means of accommodation from the visits of the old judges. He had talked over the subject of these additional expenses with Mr. Justice Park, and had strongly advised an application from the judges themselves upon the subject. Mr. Justice Park had said, that he would have nothing to do with it. The rest of his learned brethren were at liberty to apply if they pleased, but, as he possessed property enough for an independence without it, he would continue to bear his own expenses.

Mr. *Peel* said, that the only objection he had to make to the statement of the hon. member was, that the accounts of extraordinary expenses of the judges going

circuit up sent in, an ment.

Mr. *Bri* statement that the ve had been judges wer at their p would hav pense of t them into t thought th to relieve t expense w them, in being thus

FOREIGN  
Colonel *P* promised m the motive dress the H danger of t conduct of to Spain, a address to l He might n the protract the reason opinion at t his reluctan the attention expectation have been f more worth vented him i cussion, but deavoured to last night u failed in suc being equal the country would take ferent view that of ev hitherto sp peared to n were as nec terests of a and upon th the late add pressed the the conduct powers; be the nation w not feeli also cont openly have country to re

ment, that ministers in the  
 had anticipated the mo-  
 quesses from what they  
 act of madness in the B  
 notwithstanding, turn  
 their government against  
 interfered in her behalf?  
 ask, was the reason of th  
 consistency, but simply  
 interference would be the  
 ment, composed of nearly  
 virals, professing the s  
 and treading the same st  
 virement which made  
 Liberties of France at the  
 of her revolution, and con-  
 constant and inveterate  
 moment until the re-estal  
 Bourbon dynasty? But  
 such government, a go-  
 representing the people of  
 declare war to-morrow,  
 for the liberties of Fran-  
 her own, were now end  
 base attack of one, or (up  
 that those who permitted  
 parties to the act) both th  
 upon the liberties of Spai-  
 ration would in an insta-  
 land from the humiliation,  
 danger she stood in, and  
 that proud footing among  
 Europe, which she once he  
 of their liberties. For E  
 defending the liberties  
 jointly with her own, wo  
 the hearts of that nati  
 herself, were unquestion-  
 most powerful, and enlig  
 Europe; and betwixt  
 honour and interests of  
 be consulted by their m  
 although the policy of th  
 had hitherto prevented it  
 keeping alive those jealo-  
 thies which, however nat-  
 tive in the brute creation  
 natural, absurd, and ba-  
 christian states; and abo-  
 tions, who seemed by n  
 cherish and protect each  
 invincible upon that elem-  
 owed all her real great-  
 other was equally power-  
 and both of whom, comb-  
 fend not only themselves,  
 world against the tyrants  
 it. It was an old saying  
 fell out, honest men can  
 and thus, out of the disp

re-  
 ce-  
 ed  
 it,  
 de-  
 the  
 Rot  
 r-  
 ce  
 at-  
 l it  
 rto  
 at-  
 rog  
 y of  
 rich  
 rity,  
 lop-  
 ion,  
 em-

ment, that ministers in their late speeches had anticipated the most fatal consequences from what they had termed this act of madness in the Bourbons, should, notwithstanding, turn round, and join their government against Spain, if England interfered in her behalf? What, he would ask, was the reason of this apparent inconsistency, but simply because such interference would be the act of a government, composed of nearly the same individuals, professing the same principles, and treading the same steps as that government which made war against the liberties of France at the commencement of her revolution, and continued to be her constant and inveterate enemy from that moment until the re-establishment of the Bourbon dynasty? But if, instead of such government, a government fairly representing the people of England, would declare war to-morrow, not against, but for the liberties of France, which, with her own, were now endangered by the base attack of one, or (upon the principle that those who permitted an injury were parties to the act) both their governments upon the liberties of Spain; such declaration would in an instant rescue England from the humiliation, disgrace, and danger she stood in, and restore her to that proud footing amongst the nations of Europe, which she once held as the defender of their liberties. For England, by thus defending the liberties of France, conjointly with her own, would at once win the hearts of that nation, which, with herself, were unquestionably the greatest, most powerful, and enlightened nations of Europe; and betwixt whom the real honour and interests of each would best be consulted by their mutual friendship; although the policy of their governments had hitherto prevented it, by exciting and keeping alive those jealousies and antipathies which, however natural and instinctive in the brute creation, were most unnatural, absurd, and barbarous betwixt christian states; and above all, these nations, who seemed by nature formed to cherish and protect each other—the one, invincible upon that element to which she owed all her real greatness, whilst the other was equally powerful on her side; and both of whom, combined, might defend not only themselves, but the whole world against the tyrants who oppressed it. It was an old saying, “when rogues fell out, honest men came by their due;” and thus, out of the disputes betwixt their

government  
ple would a  
to the gov  
the best, th  
nisters was  
our own; fo  
the difficult  
to support a  
the nation,  
tunate caus  
stitutional f  
tuation, too  
but to whic  
others, and  
England. I  
at the cong  
head, acted  
those adopt  
Europe to it  
lieved that I  
be enjoying  
ter, under th  
sovereign.  
the past, and  
the best to b  
then ask, if  
tageous to  
Europe, as  
should join t  
liberties of  
mitted, he w  
prevent it?—  
in two part  
motives, and  
were prevent  
by any misu  
remove such  
them togeth  
glorious an o  
and England  
when Englan  
generous ste  
from the bow  
that hatred  
so long born  
the cause of  
humiliation a  
all, that ind  
could forgive  
ledged her er  
for the part s  
tion, not by t  
that House,  
nation—the r  
In sayin  
to t  
th  
must a  
c  
alone  
fi  
ion in F  
ve all, i

## Conduct of

state how, and by whom :  
to be obtained ; for as to  
ministers, whatever their re-  
be (and he confessed he  
understand them, if  
themselves), as the advo-  
defenders of that syst-  
brought the country to  
and which, in spite of  
they still gloried in, and  
lic meetings pledged them  
to their latest breath ; in  
own consistency, and the  
people, come what might  
system they were bound  
Not was it a mere change  
could save the country,  
ministers combined with  
schemes, which might enable  
the resources of the coun-  
tries of the people to the  
schemes, without injury  
tion or injustice to the  
for whilst he agreed  
noble friend, who had a  
debt, the cursed debt,  
them down, as long as  
the means of paying it, the  
property of the public  
equally sacred with that  
description. But who, in  
the present state of things  
friends of the public cause  
who would adopt every mea-  
surement which the safety of  
and real interests of the  
admit of, or the ministers  
must inevitably lead to  
consequences which, looking  
revolution arising out of  
nothing but a change  
possibly prevent. As to  
and all which the minister  
to, session after session,  
of their opponents, parti-  
member for Aberdeen,  
and services no one could  
highly than himself, the  
stage the public had der-  
had been to open their eyes  
possibility of any real retri-  
the present system ; for  
gained by it were more  
anced by exposures, which  
the resentment of the  
culpities of the ministers, &  
of all their power, patron-  
of corruption, to support  
The hon. member concluded  
that having availed himself

state how and by whom such victory was to be obtained; for as to the present ministers, whatever their real feelings might be (and he confessed he was unable to understand them, if they understood themselves), as the advocates and sworn defenders of that system which had brought the country to its present state, and which, in spite of all its sufferings, they still gloried in, and still at their public meetings pledged themselves to defend to their latest breath; in justice to their own consistency, and the feelings of the people, come what might, by their own system they were bound to stand or fall. Nor was it a mere change of ministers that could save the country, but a change of ministers combined with a change of measures, which might enable them to apply the resources of the country, and the energies of the people to the relief of their own burthens, without injury to the constitution or injustice to the public creditor for whilst he agreed entirely with his noble friend, who had stated it was the debt, the cursed debt, which weighed them down, as long as the country had the means of paying it, he considered the property of the public creditor to be equally sacred with that of every other description. But who, he would ask, in the present state of things, were the real friends of the public creditor? Those who would adopt every possible retrenchment which the safety of the constitution and real interests of the country would admit of, or the ministers whose measures must inevitably lead to those consequences which, looking to the French revolution arising out of the same causes, nothing but a change of system could possibly prevent. As to retrenchment, and all which the ministers had been driven to, session after session, by the exertions of their opponents, particularly the hon. member for Aberdeen, whose character and services no one could estimate more highly than himself, the only real advantage the public had derived from them, had been to open their eyes to the impossibility of any real retrenchment under the present system; for all the savings gained by it were more than counterbalanced by exposures, which only increased the resentment of the people, the difficulties of the ministers, and the necessity of all their power, patronage, and means of corruption, to support their measures. The hon. member concluded with stating that having availed himself of the oppor-

tunity to (portant su the sense with which " That an to his maj. pleased to laid before instructions for the re of change ternal gov tracts from parliament lic service.

The mo Mr. Hume sion.

CONDUCT  
On the of the adjournment, " Report of not their p or within v superior co establish n own service from the ti that a disc fact, been extent at the last o during the justice of exercise of have occur

Mr. Go ment, that " years," took place Scarlett; put, and th question, the chair,

Mr. S. mode pro (Mr. Scarl and expedi question al it to those who were exercise th by the con take the wl ceeding on as an amen learned frie ing words;



4407

Conduct of

a mature consideration  
had prepared certain re-  
had intended to move. I  
went on the original  
what had passed, but  
content himself with me  
only; namely, "That  
all the circumstances  
not deem it necessary to  
proceeding in the case  
O'Grady."

Mr. Wynn felt himself  
pose this resolution. I  
was, whether a person was  
proper and unwarranted  
that that could be pro-  
continued in the high  
occupied in the judicium  
the country? Now, what  
was to be decided, it  
relative on the House to  
inquiry. The integrity  
the chastity of a woman  
of a soldier, was a mat-  
ter, that it ought to be  
picion; and this being  
no difference to the in-  
necessity of the inquiry  
excess in the fees charged  
baron was confined to so  
so many pounds. The  
man then adverted to the  
commissioners of inquiry  
verted on the conduct of  
the chief baron; to what  
judge had not hitherto  
fence as ought to proceed  
from adopting some other

Mr. Alderman Bridgman  
for immediate investigation  
further delay in every respect  
and improper.

Captain O'Grady said  
that the chief baron's  
contained in his second let-  
on matters contained  
had not been published  
letter was written. It  
too hard if the House  
the learned member for  
making it matter of im-  
chief baron, that he had  
his first letter, misname  
terming that a decree  
an exemplification. In-  
fore, a new defence was  
in his second letter;  
new matters, as alleged  
subsequently to his former  
Mr. Hume expressed

a mature consideration of the subject, he had prepared certain resolutions which he had intended to move by way of amendment on the original resolutions. After what had passed, however, he would content himself with moving one of them, only; namely, "That this House, under all the circumstances above stated, does not deem it necessary to adopt any further proceeding in the case of the chief baron O'Grady."

Mr. *Wynn* felt himself compelled to oppose this resolution. The question here was, whether a person who had taken improper and unwarrantable fees, assuming that that could be proved, ought to be continued in the high situation which he occupied in the judicial administration of the country? Now, when such a question was to be decided, it was surely imperative on the House to institute a strict inquiry. The integrity of a judge, like the chastity of a woman, or the courage of a soldier, was a matter of that delicate nature, that it ought to be above all suspicion; and this being the case, it made no difference to the importance or the necessity of the inquiry, whether the excess in the fees charged by the chief baron was confined to so many pence or so many pounds. The right hon. gentleman then adverted to the reports of the commissioners of inquiry, and animadverted on the conduct therein imputed to the chief baron; to which charges that judge had not hitherto offered such a defence as ought to preclude the House from adopting some ulterior proceeding.

Mr. Alderman *Bridges* was decidedly for immediate investigation. He thought further delay in every respect inexpedient and improper.

Captain *O'Grady* said, the fact was, that the chief baron's defence, as contained in his second letter, was founded on matters contained in a report which had not been published when his first letter was written. It would be a little too hard if the House should concur with the learned member for Peterborough in making it matter of imputation against the chief baron, that he had, in the hurry of his first letter, misnamed a document, by terming that a decree which was in fact an exemplification. It was not, therefore, a new defence which was contained in his second letter; but a defence on new matters, as alleged in the report made subsequently to his former letter.

Mr. *Hume* expressed his unwillingness,

after the support that he had advocated.

Mr. *Webb* said, that the House should not pass this session and, looking at the character of the case made, a resolution passed.

Mr. *R. J.* said, and expressed the resolution.

Mr. *Hume* said, that the resolution was for all the reasons in order to the House of Fees by the common Law recently abolished.

This same day. After the motion, "That the House do not deem it necessary to adopt any further proceeding in the case of the chief baron O'Grady,"

Mr. *J. J.* said, that means supported and learned.

Mr. *Gow* said, that of criminal conduct made out against his conduct well advised.

Mr. *Can* said, that the proceeding upon the resolution was that he found his own responsibility in the instrumenta-ber for Limb-fact merely, in them which He knew. Nothing had to turn his sonage. But the importance of the proof, the step of the concur in a nor could there be to any resolution the ground of his

1813] Scottish

which he himself presented for inquiry as to the resolutions referred. noble and learned lord with him, that inquiry, to begin at home. Yet to have kept in view the end before he proceeded, out of the eyes of his brethren, he should have put it out of his own. The speech was prolix in Scotland, but to be more prolix than in our own court of law. and learned friend (Wetherell) afforded a fact. No man made long though always unequal the advantage of his not he to be examined before a commission, there, as he was in the doing in that House, impartial opinion, unwilling to please persons [Hear, hear]. Why the attorney-general and the judges of the court of Chancery to state their ideas of the remedies. In looking which he had mentioned to observe how summary a matter of grave dispute was still *verata questio* reservedly, that it was the duty of the lord chancellor to discuss in the House of Lords of Chancery. Such an opinion of sir S. Romilly had not thought that was necessary, but a noble lord had admitted the great lord Eldon; but denied the office he filled: he had he did not confine himself to his duties, but that his over-crowded and jostled the business interfered with their objects, that lord Eldon was not only in his own cabinet, in the Privy Council, King's closet. In his avocations took up so much that lord Eldon could not use his talents and his unequal cases of suitors in equity joined in these sentiments. He wished to speak of the incorruptible learned lord in the dis-

a  
ne  
is  
p-  
in  
for  
ot-  
le,  
in-  
rd  
er  
is  
n-  
of  
er

which he himself presided was as fit an object for inquiry as that to which those resolutions referred. But perhaps the noble and learned lord would not agree with him, that inquiry, like charity, ought to begin at home. Yet he ought surely to have kept in view the Christian maxim; and before he proceeded to remove the beam out of the eyes of our Scotch brethren, he should have taken the mote out of his own. The proceedings might be prolix in Scotland, but he defied them to be more prolix than were the proceedings in our own court of Chancery. An hon. and learned friend opposite (Mr. Wetherell) afforded daily proof of this fact. No man made longer speeches there, though always unquestionably highly to the advantage of his clients. Why was not he to be examined upon this point before a commission, that he might give there, as he was in the constant habit of doing in that House, a fair, candid, and impartial opinion, uninfluenced by any wish to please persons in authority? [Hear, hear]. Why had not the attorney-general and the great ornaments of the court of Chancery been called upon to state their ideas of its abuses and of the remedies. In looking over the report which he had mentioned, it was curious to observe how summarily it disposed of a matter of grave dispute, which elsewhere was still *verata questio*. It declared unreservedly, that it was impossible for the lord chancellor to discharge all his duties in the House of Lords and in the court of Chancery. Such had not been the opinion of sir S. Romilly. In 1813, he had not thought that a vice-chancellor was necessary, but a new chancellor. He had admitted the great legal talents of lord Eldon; but denied his fitness for the office he filled: he had complained that he did not confine himself to his judicial duties, but that his ministerial duties crossed and jostled them on the way, and interfered with their progress. He had objected, that lord Eldon was required to be not only in his own court, but in the cabinet, in the Privy Council, and in the King's closet. In short, that his other avocations took up so much of his time, that lord Eldon could not devote his high talents and his unequalled learning, to the cases of suitors in equity. He (Mr. B.) joined in these sentiments most heartily. He wished to speak with all due respect of the incorruptible integrity of the learned lord in the discharge of ordinary

man proceeded to express his strong approbation of the change lately made in the House of Lords, in the administration of justice in the last resort. A *pro-ex-parte* proceeding had been got up on this subject in the other House, regarding which not a word had been said, or whispered—to the Commons' House of parliament. It was a measure, not—a series of resolutions adopted at the extreme end of the session, on a matter affecting the interests of all classes of the community. And yet one branch of the legislature had not been allowed the slightest participation. Was this the treatment the House, or the people it represented, as they ought to be treated? He did not deny that the peers had the power of taking this course. It might be technically legal, and at the same time extremely unconstitutional. He laid down, not as a paradox, but as a maxim, that the Crown might do many acts perfectly legal, but for which the minister who advised them would be impeached. If the House carried an address to the effect that the king might remove a minister, the king might reply, "I will not assent to your insolent resolution; you are a poor Commons, as you styled yourselves in the reign of my predecessor, Elizabeth; you are the mere tools of a misguided populace; I will not listen to you; get about your business, and never let me see your faces again." This might be very legal language, but it would be most unconstitutional and perilous—perilous, indeed, for the advisers of the Crown; for an impeachment would certainly and instantly be the consequence. In the same way, either the House might lawfully refuse to receive a bill passed by the other; but such a course would be most unconstitutional. So if the House of Lords, if it had acted legally, or had acted unconstitutionally—unadvisedly towards the House of Commons, and unjustly towards the people it represented. The House of Lords ought to have pursued the old, plain, straight-forward course, of sending down a bill; and at various times had been, when the Commons they had not carried an address would have voted resolutions expressing their indignation that this mode of proceeding had been abandoned. Had the Commons no constituents, or were the abuses of Chancery of no importance to the people of England? "O yes," replied the lord chancellor, the prime minister, "very true, it is very fit to inquire; but that



of our lord the king at St. James's, never troubled himself with the court our lord the king in Westminster.—Though this was an extreme case, great mischiefs might arise, even if the extreme case did not occur. The lawyer on the side of the minister must be chosen. Such a man as sir Romilly, who might have got through the arrear in half a year, and discharged the duties of chancellor as satisfactorily as lord Hardwicke, was of course excluded on political grounds; but at present, the best lawyer among the Tories must be named, or the Chancery would soon make the court too hot to hold him.—After these resolutions of the House of Lords, however, some use was made of an acute, and able debater might be pointed to the chancellorship, for other qualifications than his law, and other commendations than his integrity. Another objection to the resolutions was that the House of Lords would be obliged to pay this new Speaker, without coming to the House of Commons at all. This was done by a sort of trick and chicane, and for the purpose, no doubt, of heightening the station, and preserving its dignity, was to be included among the doorkeepers and attendants of the Peers. This was not using the House of Commons well; and the plan used the people of Scotland at least equally unceremoniously. They were completely satisfied with the decisions of lord Eldon upon their appeals, and must be dissatisfied with any new arrangement. The professional men of Scotland had the high confidence in the learning, skill, and integrity of lord Eldon. They were even satisfied with his decisions, when they differed from a large portion of them, as he sometimes did, on the law of Scotland as affecting certain descriptions of property. Nay, some of them had gone round to that learned lord's opinions on those points; and he (Mr. B.) believed that, if the lawyers of Scotland were polled, the majority would be in favour of the learned lord's opinions on those points. The same sentiments were entertained with respect to lord Redesdale whose attention to subjects of appeal was unremitting. Nothing, therefore, could be less satisfactory to the Scotch than to be deprived of the advantage of having their causes determined by individuals of such high station and character. In another point of view, the final jurisdic-

land. That would never do. Let us take men of the highest rank at the bar or on the bench—let them take from all parties—let them take even Cleland Cranston, men not less illustrious for their firm integrity and punctilious honour, than for their splendid talents. Clerk, especially, who during a long life had invariably exhibited a dignified chivalrous honour, and who enjoyed the part of his clients, as well as his professional brethren, a confidence deserved by his singular sagacity, extraordinary ingenuity, and by the profundity of legal learning, in which was equalled by no man but the learned lord on the woolsack; or Mr. Cranston who had been repeatedly heard by members of that House, with an attention continually increasing, and whose integrity was as unimpeached as his powers of mind were unexcelled; let us take those men, and let them add to others they pleased, and he defied any one to constitute a board of appeal which would be satisfactory to the people of Scotland. What the latter wanted was an ultimate court removed from Scotland, unconnected with Scotland. What they wanted was that which they at present enjoyed—the House of Lords, with a lord chancellor at its head. Then let the other recommendation to the commissioners, namely, to see whether there were not cases in which it would be advisable that no appeal should be allowed. For his part, he trusted the commissioners would give the most positive negative answer to both the questions thus put to them. Under all these circumstances, it was his decided opinion—1st, that the commission was proper and desirable, if the commissioners were fitly chosen—2ndly, beyond the bill now under consideration nothing ought to have been done by the House of Lords—3rdly, that whatever was done, ought to be done in the form of a bill, and with the co-operation of the House of Commons—4thly, that any change in the appellate jurisdiction would never satisfy the people of Scotland, though it might relieve the chancellor from the duties he had hitherto performed, and which he ought still to discharge.

The *Attorney General* thought that a great deal of the remarks and censures upon individuals indulged in by his learned friend might well have been spared. The commission to be appointed

possessed the highest character in the profession. It could never become the business of the lower House to dictate a number of hours, and upon what plan proceeding, the peers should enter appeals. The peers must be left to settle those points, and many others of the kind for themselves. He admitted that there were very considerable difficulties in the way; but something must be attempted for the riddance of those arrears. He was convinced that there were cases in which it would be advantageous to take away the right of appeal. Upon the whole, the House had heard nothing to induce them to oppose the third reading of the bill.

Mr. Secretary *Canning* said, he had a few words to offer, only to one point in the discussion. He professed his ignorance of the general nature of the plan, and therefore would reserve his opinion until he should be better informed. It was admitted on all hands, that the delay was excessive, and that the necessity for a remedy could not be disputed. It was as plain that the appellate jurisdiction must be left with that tribunal which possessed of the highest authority in the kingdom. He could not say that this was the best possible plan. But, a doubt had been expressed by the hon. and learned gentleman whether, upon instituting and establishing this substitute, supposing that it should not fulfil the expectations entertained concerning him and his office, would be open to the House to go into discussion upon the merits of a judicial office in the upper House. It was to that point he wished to reply. Undoubtedly the House would be at liberty to deliberate upon this subject, without at all infringing upon the orders and constitution of the other House, and that too by the exercise of their own proper jurisdiction. For, by the time this new machinery would be up and ready for use, the House would be called upon to provide for the salaries of the new office. Up to 1816, the salaries of the officers and clerks of that House were provided for retrospectively. Since that period, the provision had been prospective; and he found on the estimate of the present session, an item for the salary of lord Shaftesbury for this current year. It was obvious, therefore, that the House would have full opportunity for renewing the whole of this subject at a period nearly as early as that in which the experiment was to be made.

# 1823] HOUSE OF COMMONS

the court of Chancery, would render the lord chancellor a political personage, who, without being himself a lawyer, and without having sympathy with the bar, would have power of dispensing vast patronage to his political adherents. Upon this, therefore, he objected to the measure as one of the greatest grievances that could be inflicted upon the people of Scotland, and one of the most important alterations, as regarded the law in that land. Instead of adopting such a course, he would, if necessary, afford the chancellor further relief in the court of Chancery, but retain him as the holder of the appellate jurisdiction of the court. It was first incumbent, however, on that House to investigate the whole subject of the Court of Chancery. To that point, which they already possessed, admitted there was great room for improvement, and it was the duty of parliament to eradicate abuses where they existed.

Mr. J. Williams expressed his disappointment that the right hon. Secretary for the Home Department had not favoured the House with his views upon the present subject. For his part, he could not avoid expressing conviction, that it was not the appellate jurisdiction only, but the whole business of the court of Chancery, which Parliament ought to investigate. As to the present bill, all he should object to was the time of the session at which it was introduced. In answer to what had been said by the right hon. gentleman opposite him, he observed, that the alteration in the appellate jurisdiction was now an open question, but at the period when the right hon. secretary thought it might be best decided, a person would be appointed in a newly-invented situation, and his appointment might be urged as an argument against inquiry. The report they had before them was not, in his opinion, fit evidence upon which to legislate; for it appeared to have been made up for the mere purpose of making a grand display of the vast labours which the lord chancellor had now to perform, could not help adverting to what had been said by sir S. Romilly of lord Eldon—“That great man” (said he) instead of sitting till two o'clock in the afternoon, often sat till two in the morning, and extra exertion, during that extra number of hours, might be one reason why arrears of business was so much behind.

bill, he was unwilling to disturb the harmony of the evening. Lastly, as he voted for the salary of the person appointed to the new situation in the House of Lords, would give the hon. gentleman opposite another opportunity of stating their opinion on that office, he thought there was no necessity to provoke a premature debate on the subject.

Mr. *Wetherell* said, that he considered the measure adopted in the other House of Parliament merely as a choice of considerable difficulties, and as such assented to it. He did so the more readily, because there appeared no necessity rendering the appointment a permanent one.

Mr. *Denman* remarked the singular fact that in the speeches which had been delivered, none of the gentlemen opposite had thought proper to say that the bill was a good one. He trusted the commission for inquiry into the administration of the law in Scotland would supersede the necessity of adding to the law the noble officer alluded to. He would not vote one farthing for paying such an officer, and he called upon his hon. friend (Mr. Hume) to oppose any grant for that purpose. He objected also to the appointment of that officer, because it would create the judicial patronage, when the mode in which that patronage was dispensed and withheld was already manifestly disadvantageous. His opinion on that subject was at least impartial, because now he held, by the vote of a great public body, the city of London, those advantages which he would rather hold for the public than from any individual: no man could look at the manner in which his hon. and learned friends, the members for Winchester and Lincoln (Mr. Brougham and Mr. J. Williams) discharged their duty to their clients, or at the talent which they uniformly displayed, without being filled with surprise that they were not placed in the first ranks of their profession. The consequence of this rank being withheld from them, produced not only great inconvenience upon the northern circuit, but a material drawback upon the interests of the profession; and he should suffer no opportunity to escape him, in which that subject was mentioned, without expressing his opinion upon the injustice which had prompted their exclusion.

The bill was read a third time and passed.



chantmen, the reason of  
 cleanliness and the dis-  
 ease rendered the chan-  
 being afflicted with con-  
 much less likely than  
 merchantmen. The fi-  
 purgation, to which it  
 jected during quaran-  
 in the men of war all t  
 at sea. The hon. mem  
 that sir T. Maitland  
 Tunis, and returned to  
 dergoing any quaran-  
 went to Tunis in 1814  
 there, and then came b  
 it was a remarkable fac  
 sir T. Maitland paid h  
 had had the plague at  
 of years. But the  
 was, that the quaran-  
 in the Mediterranean  
 severe, in consequenc  
 the regulations at Ma  
 this, the hon. memb  
 Marseilles. But the  
 Marseilles were perfect  
 regulations at Malta.  
 man concluded, by say  
 have no objection to  
 member for Aberdeen  
 or extracts of the com  
 might wish.

Mr. Hume, upon the  
 sented to withdraw his

## HOUSE OF

*Wednesday,*

### SILK MANUFACTURE

*Berley* moved the ord  
 third reading of this  
 he said, was one which  
 fullest consideration  
 and certainly no body  
 entitled to greater att  
 form good conduct,  
 and loyalty, than the  
 the bill. Not only,  
 opinion of the commit  
 repeal of the existing  
 also been the opinion  
 on foreign trade in 185  
 could possibly be ass  
 manufacture in Lond  
 restraints to which  
 the kingdom was li  
 quence of those restr  
 the silk manufactur  
 vancing in all parts  
 London it at best stoo

chantmen, the reason was obvious. The cleanliness and the discipline of men of war rendered the chance of their being afflicted with contagious distemper much less likely than those on board merchantmen. The fumigation, the purgation, to which the latter was subjected during quarantine, were going on in the men of war all the while they were at sea. The hon. member had observed that sir T. Maitland went on shore to Tunis, and returned to Malta without undergoing any quarantine. It was true that he went to Tunis in 1815, passed two months there, and then came back to Malta; it was a remarkable fact that, at the time when sir T. Maitland paid his visit, no plague had had the plague at Tunis for the space of years. But the practical conclusion was, that the quarantine at the other ports in the Mediterranean was rendered more severe, in consequence of the laxity of the regulations at Malta. In proof of this, the hon. member had alluded to Marseilles. But the board of health at Marseilles were perfectly satisfied with the regulations at Malta. The hon. gentleman concluded, by saying, that he could have no objection to furnish the hon. member for Aberdeen with such copies or extracts of the correspondence as he might wish.

Mr. Hume, upon that undertaking, assented to withdraw his motion.

## HOUSE OF LORDS.

*Wednesday, July 16.*

### SILK MANUFACTURE BILL.]

*Bexley* moved the order of the day for the third reading of this bill. The measure, he said, was one which had undergone the fullest consideration in the committee, and certainly no body of individuals was entitled to greater attention for their former good conduct, orderly behaviour, and loyalty, than the petitioners against the bill. Not only, however, was it the opinion of the committee in favour of the repeal of the existing acts; but there had also been the opinion of the committee on foreign trade in 1820. No good reason could possibly be assigned, why the silk manufacture in London should be subject to restraints to which no other trade in the kingdom was liable. The consequence of those restraints was, that the silk manufacture was rapidly declining in all parts of the country, while in London it at best stood still. The great

The Earl of Ros part of the bill which restrictions on cap master manufacture of it in other places might be so amended as to retain this provision which were questioned.

The bill was ordered to be read a second time to-morrow.

## HOUSE OF COMMONS

Thursday

SILK MANUFACTURE  
order of the day for  
this bill,

Lord Bexley said in answer to the noble and learned Lord the woolsack, and others who had been endeavouring to get rid of the clauses in such a manner as he understood was the majority of their lordships proposed, that the power to regulate the wages in the districts in question was untouched; but that the manufacturers should be allowed to make any part of their districts; and that the information should be given against the existing law for three months.

He said that the amendments proposed, as they were introduced.

Lord Ellenborough said in reply to the noble and learned Lord the woolsack, that the amendments would be more beneficial to the journeymen, than to the masters. In the latter case, the more the restriction on the export of the districts, the more doubt would be caused in the next session, highly favourable to the only advantage taken of their triumph. He said that if it were called so, would be in terms with their rate of wages for five years. It would be their masters employ the same where more moderate. If they met their masters would not have to avail themselves of the provisions of the bill. Their capital from time to time was at present employed.

The Earl of *Rosslyn* approved of part of the bill which went to repeal restrictions on capital, and to allow master manufacturers to employ any of it in other places. He thought it might be so amended on the third reading as to retain this provision, omitting those which were questionable.

The bill was ordered to be read a second time to-morrow.

---

## HOUSE OF LORDS.

*Thursday, July 17.*

**SILK MANUFACTURE BILL.]** On order of the day for the third reading of this bill,

Lord *Besley* said, that with the assistance of the noble and learned lord on woolsack, and other noble lords, he had been endeavouring to prepare the amendments in such a manner as to meet, as he understood was the opinion of the majority of their lordships. It was now proposed, that the power of the magistrates to regulate the wages of journeymen in the districts in question, should be untouched; but that the master manufacturers should be allowed to employ any part of their capital out of the districts; and that the period within which information should be allowed for objection against the existing law, should be limited to three months. Such were the amendments proposed, and he now moved that they be introduced into the bill.

Lord *Ellenborough* expressed his conviction, that the adoption of these amendments would be more advantageous to journeymen, than if the bill had been thrown out altogether; because, in the latter case, the manifest injustice of restriction on the employment of capital out of the districts in question, would doubt have caused the renewal of the bill in the next session, under circumstances highly favourable to it. He trusted that the only advantage the journeymen would take of their triumph, if they chose to call it so, would be to come to terms with their masters respecting the rate of wages for figured articles. If it would be their own fault should masters employ their capital in districts where more moderate wages were paid. If they met their masters fairly, they would not have to apprehend, that masters would avail themselves of the provisions of the bill to remove any part of their capital from the districts in which it was at present employed.

activity, in making or  
verts.

When I had the hon-  
our, to hold the office  
in Ireland, authentic power  
my hands, whereby it  
religious houses then e-  
not less than 69 of all c-  
Franciscans, Capuchin  
so forth; fifty-three  
houses were for men,  
women; besides a num-  
attached to those relig-  
bound by monastic vow  
nearly of as many hun-  
And I mention this on-  
sion, only to show, that  
by such a return as is  
should know the num-  
are unattached as well  
belong to public conve-

It is, my lords, upon  
and in contemplation of  
we have reason to expect  
forward in another ses-  
*bring these matters* in  
parliament, in order that  
called upon to decide  
*ledge of the facts, how*  
or safely allow these va-  
tholic institutions to exist  
in this Protestant coun-  
and in a manner wholly  
the days of the Reforma-  
fore, beg leave to move  
Address be presented  
his Majesty will be glad  
give directions to the  
Bishops of England, the  
Parochial Clergy, and  
name to require from  
with Peculiar jurisdic-  
spective diocesses;—  
chapels, schools, acad-  
religious houses, belong-  
Catholics, or reputed  
specifying to what re-  
colleges or religious  
puted to belong:—  
count of the number  
tholics, or reputed Ro-  
longing, or reputed  
such school, academy,  
house, or to any reli-  
ciety of persons bound  
religious vows:—And  
will order such Ac-  
count be presented be-  
fore this House, on the  
next session of parlia-

The Earl of Rosslyn  
VOL. IX.



activity, in making or purchasing  
verts.

When I had the honour some  
ago, to hold the office of chief secr  
in Ireland, authentic papers were put  
my hands, whereby it appeared that  
religious houses then existing there,  
not less than 69 of all orders, Domini  
Franciscans, Capuchins, Carmelites,  
so forth; fifty-three of these reli  
houses were for men, and sixteen  
women; besides a number of persons  
attached to those religious houses,  
bound by monastic vows, and consi  
nearly of as many hundreds as the for  
And I mention this on the present o  
sion, only to show, that it is material  
by such a return as is now proposed  
should know the numbers of those  
are unattached as well as of those  
belong to public convents or monasti

It is, my lords, upon these grou  
and in contemplation of the measure w  
we have reason to expect will be bro  
forward in another session, that I wi  
bring these matters under the vie  
parliament, in order that we may ne  
called upon to decide without full ki  
ledge of the facts, how far we may w  
or safely allow these various Roman  
tholic institutions to take perpetual  
in this Protestant country, to a deg  
and in a manner wholly unexampled  
the days of the Reformation. I, th  
fore, beg leave to move—"That an hu  
Address be presented to his Majesty,  
his Majesty will be graciously please  
give directions to the Archbishops  
Bishops of England, to procure from  
Parochial Clergy, and in his Maje  
name to require from all persons inve  
with Peculiar jurisdictions in their  
spective diocesses;—An Account of  
chapels, schools, academics, colleges  
religious houses, belonging to Ro  
Catholics, or reputed Roman Catho  
specifying to what religious order  
colleges or religious houses are  
puted to belong:—And also, an  
count of the number of Roman  
tholics, or reputed Roman Catholics,  
longing, or reputed to belong, to e  
such school, academy, college or relig  
house, or to any religious order or  
ciety of persons bound by monasti  
religious vows:—And that his Maj  
will order such Accounts to be laid  
fore this House, on the first day of  
next session of parliament."

The Earl of Roslyn said, that he  
VOL. IX.

snubbing, and when the formalities of the House were suspended by a tacit understanding on both sides, so that no summons could be issued for the attendance of the lords. The motion was, in my opinion, against it, excessively rash, and, from his opinion, with much danger, and would be productive of no manner of good. I should, therefore, give his decided opinion to the motion.

The Lord Chancellor took this opportunity to defend the conduct of the noble lord (Colchester) in submitting the bill he had made, for there could be no doubt whatever, that the bill so intended to have originated in the other House, intended to repeal the law of the land with respect to religious houses. After such a measure should ever pass this House, he had only to hope it would not arrive at a late period of the session next year, but that full opportunity would be given to examine and discuss it. But at present he hoped the noble lord (Colchester) to the candour and purity of whose motives all who knew him must do justice, would consent to withdraw his motion.

Lord Colchester, in reply, said:—A few observations upon the present question which it now became my duty to offer to your lordships first shall be addressed to the speaker, the noble earl who has opposed the measure. The measure announced by the noble lord in the other House, made the call imperative upon me, and those who held the same opinions, to prepare to meet it. If the noble lord complains of the season of the time at which this motion was made, let the blame of delay lie upon those who proposed their own measure so late a period of the session. The measure to be presented in the other House tends, according to its title, to the benefit of the United Kingdom; and the noble lord mis-states the fact in asserting it relates exclusively to Ireland. Who objects to the mode of instituting this inquiry in England, through the parsonage clergy, he forgets or overlooks the course adopted upon the former occasion of 1767 and 1780; and the right reverend prelates now present can inform him, that there is no novelty whatever in this mode of communication between them and the clergy, respecting the religious state of their parishes; such inquiries are continually recurring upon their visitation. As to Ireland, when he asks, why this

of a report from a committee of House of Lords; but it now came down in so altered a state and with so many of the old regulations unrepealed, that in his view of the subject, it would rather conduce to the public interest, than be consistent with his duty, to proceed further with it at present.

Mr. *Cakraft* said, he did not, until that moment, know what course the right hon. gentleman intended to take. He had rather imagined, as two conferences were about to be held with the Lords, that the right hon. gentleman would have endeavoured to negative the amendments and leave the result to a third conference. Those who opposed the bill in the other House had so torn and mutilated the fine principles, which the right hon. gentleman thought necessary for the benefit of a set of people who told him they were very well off and perfectly satisfied, that he did not wonder at his abandonment of the measure. Their lordships had altered the bill in such a way, that the right hon. gentleman could no longer agree to pass it. Indeed, it would have been impossible for him to concur in such amendments. Much difference of opinion seemed to exist amongst the members of administration. The other evening there was a difference on a pure matter of taste, and now there appeared to be a difference on a matter of trade. The fate of this bill would, he hoped, teach gentlemen not to introduce measures vitally affecting large bodies of the community, without fully considering and perfectly understanding the subject.

Mr. *Abercromby* said, he was extremely glad that the bill would not be allowed to pass in its amended shape. But the opportunity ought not to be suffered to pass by without exposing the sort of regulations that was had to the principles of justice and humanity by the parties who had altered the bill. The narrow, intolerant and he would say ignorant, principles, which the amendments proceeded, ought to be canvassed; for the purpose of showing that the measure as altered would be most unjust and mischievous. Individuals elsewhere had supported those amendments, on the ground, that they would secure the comfort and happiness of a class who would be affected by the bill, while it could be clearly demonstrated that the measure, as it now stood, would create misery and distress amongst the people. It was a measure entirely on a

# A P P

## FINAN FOR THE YEAR

### CLASS.

I. ---

II. ---

III. ---

IV. ---

V. ---

VI. ---

VII. ---

VIII. ---

# A P P

—

## FINANC FOR THE YEAR E

### CLASS.

I. - - - - ]

II. - - - - ]

III. - - - - (

IV. - - - - ]

V. - - - -

VI. - - - - ]

VII. - - - - .

VIII. - - - - '



---

**No. 1.—An Account of the ORDIN**


---

**HEADS OF REVENUE.**


---

**Ordinary Revenues.**

Customs .....
Excise .....
Stamps .....
Taxes, under the Management of the Commi of Taxes .....
Post Office .....
One Shilling in the Pound, and Sixpence Pound on Pensions and Salaries, and Fo lings in the Pound on Pensions ..
Hackney Coaches, and Hawkers and Pedlar
Crown Lands .....
Small Branches of the King's Hereditary R
Lottery; Surplus Produce, after payment o
Surplus Fees of Regulated Public Offices ..
Poundage Fees, Fells Fees, Casualties, 7 Fees, and Hospital Fees .....

**TOTAL of Ordinary Revenues ..**

---

**Other Resources.**

Proceeds of Old Naval Stores, per Act 3 c. 127, s. 4. ....
Unclaimed Dividends, Annuities, Lottery &c. per Act 56 Geo. 3 c. 97 .....
Amount of Savings on Third Class of Civil the year ended 5th January, 1821 .....
From the Commissioners for the Issue of Ex Bills, per Act 57 Geo. 3. c. 34, for the E ment of the Poor .....
From several County Treasurers, and others land, on account of Advances made by th sury, for improving Post Roads, for b Gaols, for the Police, for Public Work ployment of the Poor, &c. ....
Imprest Monies, repaid by sundry Public Ac ants, and other Monies paid to the Public

**TOTALS, exclusive of Loans .**

Loans .....

**TOTALS of the Public Income of the  
Kingdom, including Loans.....**

---

# CLASS I.—PUB

constituting the PUBLIC INCOME of the  
ended 5th January, 1825.

TOTAL INCOME, including BALANCE estimated 31st Jan. 1825			Charge of Collection, and other Payments out of the Income, in its Proportion to the Revenue			PAYMENTS into the SINKFUND.	
£.	s.	d.	£.	s.	d.	£.	s.
13,298,441	12	6	2,327,567	14	9	10,663,616	18
30,758,943	5	1	1,792,978	13	10	87,283,408	11
7,513,932	8	0	206,082	9	0	6,632,546	13
7,935,099	10	0	437,646	0	8	7,218,244	2
8,889,955	19	4	640,669	4	11	1,493,230	15
72,994	8	10	1,834	19	2	67,924	12
63,525	8	11	8,844	1	1	54,530	0
235,866	4	4	265,973	3	11	973	6
15,931	1	5	3,295	9	0	9,606	10
234,000	0	0	3,000	0	0	231,000	0
53,872	4	8	-	-	-	53,872	4
7,870	2	8	-	-	-	7,870	8
48,340,454	6	1	5,688,091	17	0	55,659,473	14
151,000	0	0	-	-	-	151,000	0
1,666	5	1	-	-	-	1,666	5
1,119	3	3	-	-	-	1,119	3
197,500	0	0	-	-	-	197,500	0
85,064	5	0	-	-	-	82,695	3
328,193	13	11	-	-	-	328,193	13
63,101,999	12	5	5,688,091	17	0	54,414,650	1
11,872,155	9	8	-	-	-	11,872,155	9
74,977,153	1	8	5,688,091	17	0	66,289,295	10

J. C. HERRIES.

RECEIPTS  
AND PAID

RESOURCES, constituting  
5th January, 1823.

RECEIPTS for Year at End of FISCAL YEAR.	TOTAL INCOME, including BALANCES carrying over 1822.	Charges of Collect other Paym out of the Income Program to the 5th
£. s. d.	£. s. d.	£.
100,809 0 0	12,332,256 17 7 1/2	1,669,401 1
141,247 8 0	28,831,606 18 2	1,478,690 1
417,675 1 0	6,736,711 17 6 1/2	168,388 1
253,683 4	7,650,540 11 4	386,179
881,546 12 1/2	2,080,204 6 11 1/2	346,330
68,730 5 1/2	72,994 8 10 1/2	1,834 1
62,612 12 1/2	63,325 8 11	8,844
250,059 11	295,866 4 4 1/2	263,975 3
13,195 0 0	25,931 1 5 1/2	3,295 1
254,000 0 0	254,000 0 0	3,000
53,878 4 1/2	53,878 4 8	- -
54,374,637 11 1/2	57,870,509 19 10 1/2	4,531,938
151,000 0 0	151,000 0 0	- -
1,666 1 1/2	1,666 5 1	- -
1,119 2 1/2	1,119 2 3 1/2	- -
197,300 1 1/2	197,300 0 0	- -
48,319 11 1/2	248,319 13 7	- -
974,242 11 1/2	57,970,115 0 9 1/2	4,531,938 1
1,708,617 1 1/2	11,708,617 0 0	- -
66,682,939 0 0	69,678,732 0 9 1/2	4,531,938 1

member,  
13.

J. C. HERMES.

# CLASS I.—P U

RESOURCES, constituting the PUBLIC  
5th January, 1823.

TOTAL INCOME, including BALANCES Outstanding 5th Jan. 1822.			Charges of Collection and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENT into the EXCHEQUER		
£.	s.	d.	£.	s.	d.	£.		
11,332,256	17	7½	1,669,401	18	7½	9,397,113	1	
28,834,606	18	2	1,478,690	12	4	25,747,441		
6,736,711	17	6½	168,388	15	1½	6,208,552		
7,650,540	11	4	386,179	6	10½	6,994,007	1	
2,080,204	6	11½	546,530	8	1	1,359,000		
72,994	8	10½	1,834	19	2	67,924	1	
67,525	8	11	8,844	1	1	54,580		
295,866	4	4½	265,973	3	11½	973		
15,931	1	5½	3,295	9	0	9,606	1	
244,000	0	0	3,000	0	0	231,000		
53,872	4	8	-	-	-	53,872		
57,370,509	19	10½	4,531,938	14	2½	50,124,071		
151,000	0	0	-	-	-	151,000		
1,666	5	1	-	-	-	1,666		
1,119	2	3½	-	-	-	1,119		
197,500	0	0	-	-	-	197,500		
248,319	13	7	-	-	-	248,319	1	
57,970,115	0	9½	4,531,938	14	2½	50,723,676		
11,708,617	0	0	-	-	-	11,708,617		
69,678,732	0	9½	4,531,938	14	2½	62,432,293		

J. C. HERRIES.

# CLASS L-P1

## Resources, constituting the PUBLIC January, 1823.

TOTAL INCOME, including BALANCE, outstanding 30th Jan. 1822.			Charges of Collection, and other Payments, out of the Income, in its Progress to the Archbishop.			PAYM into REVENUE
£.	s.	d.	£.	s.	d.	£.
1,966,184	14	10½	658,163	16	2½	1,266,500
1,921,338	6	11½	314,288	1	6½	1,335,060
579,240	10	8	37,693	14	3	490,000
282,558	18	8½	51,466	13	10½	1
209,731	12	5½	94,538	16	10½	Gr.
7,870	2	8½	-	-	-	7,870
4,969,944	6	2½	1,156,133	2	9½	3,320,40
1,107	13	10½	-	-	-	1,10
14,549	8	1	-	-	-	14,34
20,968	14	3½	-	-	-	18
29,942	19	4½	-	-	-	29,94
8,326	4	9½	-	-	-	8
109	4	7½	-	-	-	
79,876	0	4½	-	-	-	79
5,134,884	41	7½	1,156,133	2	9½	3,690,97
169,538	9	2½	-	-	-	
5,296,423	0	18½	1,156,133	2	9½	5

J. C. HERRIES.



CLASS II.—PUB

TAIN and IRELAND, in the Year of  
of Drawbacks; together with an  
plied to the Reduction of the National

EXPENDITURE.

PAYMENTS OUT OF THE IN  
in its progress to the Exchequer

Charges of Collection .....  
Other Payments .....  
Total Payments out of the In  
Payments into the Excheq

PAYMENTS OUT OF EXCHE

Dividend, Interest, and Management of the Pu  
four Quarters to 10th Oct. 1822, exclusive of 1  
issued to the Commissioners for the Reducti  
Debt .....  
Interest on Exchequer Bills and Irish Treasury  
301,250*l.* for Sinking Fund .....

Issued to the Trustees of Military and Naval  
3 Geo. 4, c. 51 .....  
Civil List ..... 4 Quarters 1  
Pensions charged by Act of Parlia-  
ment upon Consolidated Fund 4 Quarters 1  
Salaries and Allowances .....  
Officers of Courts of Justice .....  
Expenses of the Mint .....  
Bounties .....  
Miscellaneous .....  
Ditto Ireland .....

Army .....  
Navy .....  
Navy Treasurer of Greenwich Hospital, to pay  
Ordnance .....  
Miscellaneous .....

Deduct the Sum issued to the Trustees of  
Pensions, being charged in the above issues

Bank of Ireland, Balance due for Advances for  
Interest on Advances made on the credit of U  
Sinking Fund in Ireland, 1821 .....  
By the Commissioners for issuing Exchequer E  
Geo. 3, c. 34, and 124, for the Employment  
Advances out of the Consolidated Fund in 1  
Works .....

Total Expenditure, exclusive of  
the National Debt .....  
Surplus of Income paid into the

Whitehall Treasury Chambers, }  
25th March, 1823. }

## CLASS II.—PUBL

**GREAT BRITAIN and IRELAND, in the  
ments, and of the Actual Issues or Pay  
of Funded Debt, or for paying off Un**

### EXPENDITURE

<b>Dividends, Interest and Management of the Public Debt 4 quarters to 10th Oct. 1822, exclusive of 15, issued to the Commissioners for the Reduction of the Debt .....</b>		
<b>Interest on Exchequer Bills and Irish Treasury Bills of 301,250<i>l</i>. Sinking Fund .....</b>		
<b>Issued to the Trustees of Military and Naval Stores 3rd Geo. 4, c. 51 .....</b>		
<b>Civil List, 4 quarters to 5th January, 1823 .....</b>		
<b>Pensions charged by Act of Parliament, upon Consolidated Fund, 4 quarters, to</b>		
<b>Salaries and Allowances</b>	.	1
<b>Officers of Courts of Justice</b>	.	1
<b>Expenses of the Mint</b>	.	1
<b>Bounties</b>	.	1
<b>Miscellaneous</b>	.	1
<b>Ditto Ireland</b>	.	1
<b>Army .....</b>		
<b>Navy .....</b>		
<b>Navy Treasurer of Greenwich Hospital to pay Commissions ..</b>		
<b>Ordnance ..</b>		
<b>Miscellaneous .....</b>		

**Deduct the Sum issued to the Trustees of  
Pensions, being charged in the above list**

**Total**

**Bank of Ireland—Balance due for Advances for  
Interest on Advances made on the Credit of  
Sinking Fund in Ireland, 1821 .....**  
**By the Commissioners for issuing Exchequer Bills  
3, c. 34 & 124, for the employment of the Public  
Advances out of the Consolidated Fund in Ireland  
Works .....**

**Surplus of Income paid into the Exchequer**

# CLASS II

in the  
January,  
and; and

EXCHEQUER on the 5th of  
1823; the Money applies  
the Money remaining in the

A. d.  
1823

The Commissioners  
in the B

Sinking Fund Interest on Redem

Paid

Unpaid

Navy 5 per cent. Annuities paid;

In Great

Ireland

Applied towards Redemption of

## UNFUNDS

Issued to the Paymasters of Exch

TOTAL Unfun

464,705 9 5

83,769 18 -

4,915,519 19 10

3,399,289 18 6

Balance at 5th January, 1823 ..

Do. to the Account of the  
Pensions, towards payments  
January, 1823.....

rdk, 1823.

S. R. LUSHING

# A P P I



## FINANC FOR THE YEAR EN

### CLASS.

- I. - - - - P
- II. - - - - P
- III. - - - - C
- IV. - - - - P
- V. - - - - U
- VI. - - - - D
- VII. - - - - A
- VIII. - - - - T

# CLAS

## United Kingdom of of the CONSOLIDAT

Dividends, Interest, &  
4 Quarters to 10th O  
Sinking Fund Irish Tre  
Interest on Exchequer I  
Trustees for Naval and I  
Civil List, 4 Quarters to  
Pensions charged by Act  
10th October 1822 ...  
Salaries and Allowances  
Officers of Courts of Ju  
Expenses of the Mint  
Bounties  
Miscellaneous  
Do. Ireland  
Advances out of the Co  
Interest on Advances m

S. R. L

## CONSOLIDATED in the same Year ment and at the t

Dividends, Interest, &  
4 Quarters to 5th Jan  
Interest on Exchequer  
Sinking Fund Irish Tre  
Trustees Naval and Mil  
Civil List, 4 Quarters t  
Pensions charged by A  
5th January, 1823 ..  
Salaries and Allowances  
Officers of Courts of Ju  
Expenses of the Mint  
Bounties  
Miscellaneous  
Do. Ireland  
Advances out of the Co  
Interest on Advances h

Exchequer Bills issued  
January, 1822 (incl  
towards the Supplies  
deposited in the Tell

S. R. L



# CLASS I.—PUB

constituting the PUBLIC INCOME of the  
ended 5th January, 1825.

TOTAL INCOME, including BALANCES outstanding 31st Dec. 1824			Charge of Collection, and other Payments out of the Income, to His Majesty the King			PAYMENTS into the EXCHEQUER.	
£.	s.	d.	£.	s.	d.	£.	s.
15,398,441	19	6½	2,327,567	14	9	10,663,616	18
20,738,943	5	1½	1,792,978	13	10½	27,223,408	11
7,315,937	8	0½	206,068	9	6½	6,632,546	13
2,933,099	10	0½	437,646	0	8½	7,218,844	2
2,289,955	19	4½	640,869	4	11½	1,423,230	15
72,994	8	10½	1,234	19	2	67,994	12
63,515	8	11	8,844	1	1	54,510	0
295,866	4	4½	265,973	3	11½	973	6
15,931	1	5½	3,295	9	0	9,606	10
234,000	0	0	3,000	0	0	231,000	0
53,872	4	8	-	-	-	53,872	4
7,870	2	8½	-	-	-	7,870	2
28,540,434	6	1	5,688,091	17	0½	33,652,473	16
151,000	0	0	-	-	-	151,000	0
1,666	5	1	-	-	-	1,666	5
1,119	2	3½	-	-	-	1,119	2
197,500	0	0	-	-	-	197,500	0
85,064	5	0½	-	-	-	84,693	3
328,193	13	11½	-	-	-	328,193	13
40,104,999	19	5½	5,688,091	17	0½	34,416,630	1
21,872,155	9	8½	-	-	-	11,872,155	9
74,977,153	1	8½	5,688,091	17	0½	46,288,785	10

J. C. HENRIES.

# CLASS

and  
by

and IRELAND, and of the  
7,500,000*l.* raised in 18

4

6

9

10

6

1

6 5

7

16 8

18 2

6 7

6 5

1 10

Sinking  
Fund

Annual Grants ..  
Expired Annuities  
Exchequer Life  
claimed and B  
Per centage on  
by Loans ....  
Annual Interest  
decided .....  
Long Annuities .

Due to the  
Public  
Creditor

Annual Interest  
Debt .....  
Long Annuities  
Life Annuities,  
Exchequer ..  
Do. Irish

Management .....

5 12 4

4 12 4

6 15 3

2 1 1

15 0 8

23 9 10

12 11 5

The Trustees of Military and  
and Civil Superannuations,

Total United Kin

25.

39 14 5

37 7 6

17 1 11

# CLASS I.—P U

RESOURCES, constituting the PUBLIC I  
5th January, 1823.

TOTAL INCOME, including BALANCES Outstanding 5th Jan. 1822.			Charges of Collection and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER		
£.	s.	d.	£.	s.	d.	£.		
11,332,256	17	7½	1,669,401	18	7½	9,397,113	1	
28,834,606	18	2	1,478,690	12	4	25,747,441		
6,736,711	17	6½	168,388	15	1½	6,208,552		
7,650,540	11	4	386,179	6	10½	6,994,007	1	
2,080,204	6	11½	546,330	8	1	1,359,000		
72,994	8	10½	1,834	19	2	67,924	1	
67,525	8	11	8,844	1	1	54,580		
295,866	4	4½	265,973	3	11½	973		
15,931	1	5½	3,295	9	0	9,606	1	
234,000	0	0	3,000	0	0	231,000		
53,872	4	8	-	-	-	53,872		
57,370,509	19	10½	4,531,938	14	2½	50,124,071		
151,000	0	0	-	-	-	151,000		
1,666	5	1	-	-	-	1,666		
1,119	2	3½	-	-	-	1,119		
197,500	0	0	-	-	-	197,500		
248,319	13	7	-	-	-	248,319	1	
57,970,115	0	9½	4,531,938	14	2½	50,723,676		
11,708,617	0	0	-	-	-	11,708,617		
69,678,732	0	9½	4,531,938	14	2½	62,431,293		

J. C. HERRIES.

---

An Account of the U  
the D

---



---

Exchequer Bills.....

Sum remaining unpaid, &  
granted by Parliament ...

Advances made out of Co  
Ireland, towards Suppli  
repaid to Consolidated F  
and Means in Great Brit

TOTAL Unfunded De  
outstanding .....

Ways and Means .....

SURPLUS Ways and M

Exchequer Bills to be issue  
Charge upon the Consoli

---

Whitehall Treasury Cl  
25th March, 1871

S. HIGHAM, Compt. Gen.

National Debt Office,  
22nd March, 1871

# CLASS I.—PI

## Resources, constituting the PUBLIC January, 1823.

TOTAL INCOME, including BALANCE, outstanding 31st Jan. 1823.			Charges of Collection, and other Payments, out of the Income, in its Progress to the Lecturer.			PAYED into RECEIPT
£.	s.	d.	£.	s.	d.	£.
1,966,184	14	10½	638,165	16	1½	1,328,019
1,921,308	6	11½	314,288	1	6½	1,605,020
579,240	10	6	57,693	14	5	42,199
282,338	18	8½	51,466	13	10½	274,831
209,751	12	5½	94,538	16	10½	69,431
7,870	2	8½	-	-	-	7,871
4,969,944	6	2½	1,156,153	2	9½	3,813,791
1,107	13	10½	-	-	-	1,107
14,549	8	1	-	-	-	14,549
20,968	14	3½	-	-	-	20,968
39,942	19	4½	-	-	-	39,942
8,326	4	9½	-	-	-	8,326
109	4	7½	-	-	-	109
79,876	0	4½	-	-	-	79,876
5,134,884	41	7½	1,156,153	2	9½	3,978,731
163,338	9	2½	-	-	-	163,338
5,298,222	0	10½	1,156,153	2	9½	4,142,069



# CLASS

## SERVICE

Extraordinary Expenses of Main, for Fittings and Furniture; in 1822 .....  
Expense of certain Colonial Extraordinaries of the Army  
Charge for printing Acts of Parliament, for the Sheriff, Comptrolers throughout the United Kingdom throughout Great Britain, Reports, Evidence, and a House of Lords; for 1822 .  
Expense of printing the Votes of the present Session .....  
Deficiency of the Grant of House of Commons, during For paying, in the year 1821 Dissenting Ministers in Exchequer Clergy, Poor French small Charitable and other Martin-in-the-Fields, and a  
Deficiency of the Grant of 18 Printing done by order of the Session of 1819 .....  
Expense of printing Bills, &c. the House of Commons, &c.  
Deficiency of the Grant of 18 the two Houses of Parliament, Peace, and Chief Magistrates and for the acting Justices printing Bills, Reports, &c. counts for the House of Lords  
Deficiency of the Grant of 18 other Papers, by Order of last Session .....  
Expense that may be incurred of the 77th volume of the Journal the present Session .. ..  
Expense that may be incurred of the House of Commons; Foreign and other Secret Service For making good the Deficiencies of the Treasury. Treasury Council; for 1822 .....  
Contingent Expenses and of the Treasury, Three Secret Lord Chamberlain; for 1822 For defraying, in 1822, the tions, granted or allowed a tions, to Persons formerly tments, or in the Public Service of his late Majesty .....  
To pay off and discharge annuities and Government of Ireland, as have signified Annuities in lieu thereof ..  
To pay off and discharge ancient Annuities, and of Irish Bank of England, who have per cent Annuities in lieu t  
To pay off and discharge ancient Annuities, and Government of Ireland, as have signified 4 per cent annuities in lieu  
To make good the Deficiency year 1821.....  
For defraying the Deficiency 1,750 Copies of the 76th v Comment.....

0

11 7

0

3 0

0 0

0 0

3 0

1 0

0

41

0

9

3

# CLASS II.—PUBL

TAIN and IRELAND, in the Year end  
of Drawbacks; together with an A  
plied to the Reduction of the National

## EXPENDITURE.

### PAYMENTS OUT OF THE INCO in its progress to the Exchequer:

Charges of Collection .....  
Other Payments .....

Total Payments out of the Inco  
Payments into the Exchequer

### PAYMENTS OUT OF EXCHEQU

Dividend, Interest, and Management of the Publ  
four Quarters to 10th Oct. 1822, exclusive of 15,  
issued to the Commissioners for the Reduction  
Debt .....  
Interest on Exchequer Bills and Irish Treasury B  
301,250*l.* for Sinking Fund .....

Issued to the Trustees of Military and Naval P  
3 Geo. 4, c. 51 .....  
Civil List ..... 4 Quarters to  
Pensions charged by Act of Parlia-  
ment upon Consolidated Fund 4 Quarters to 1  
Salaries and Allowances ..... D  
Officers of Courts of Justice ..... Di  
Expenses of the Mint ..... Di  
Bounties ..... Di  
Miscellaneous ..... Di  
Ditto Ireland ..... Di

Army .....  
Navy .....  
Navy Treasurer of Greenwich Hospital, to pay O  
Ordnance .....  
Miscellaneous .....

Deduct the Sum issued to the Trustees of Mil  
Pensions, being charged in the above Issues of

Bank of Ireland, Balance due for Advances for C  
Interest on Advances made on the credit of the  
Sinking Fund in Ireland, 1821 .....  
By the Commissioners for issuing Exchequer Bil  
Geo. 3, c. 34, and 124, for the Employment of  
Advances out of the Consolidated Fund in Ire  
Works .....

Total Expenditure, exclusive of th  
the National Debt .....  
Surplus of Income paid into the E

Whitehall Treasury Chambers, }  
25th March, 1823. }

For defraying the Charge of the following Services which are directed to be paid Nett in Britain

For the employment of the poor in Ireland, & relating thereto, as the exigency of affairs may require  
To enable his Majesty to take such measures as may be necessary for the better regulation of the affairs in Ireland, may require .....  
Civil Contingencies in Ireland; for one year, ending 1823.....  
For making good the Deficiency of the Grant of the Chief and Under Secretaries Offices and other Public Offices in Dublin Castle, &c. Charges and other Expenses of the Deputies Messengers attending the said Offices; and Allowances in the Chief Secretary's Office ...  
For making good the Deficiency of the Grant of the Expense of printing 1,500 Copies of a quarto edition of the Statutes of the United Kingdom of the Magistrates of Ireland; and also 250 Copies of the same, bound for the use of the Law Public Officers in Ireland .....  
Expense of printing 325 Copies of a folio edition of the General Acts of the present Session, for the use of the Bishops, and other Public Officers in Ireland .....  
Copies of a quarto edition, for the use of the Magistrates in Ireland .....  
Expense of supporting the Non-conforming Ministers for one year .....  
Expense of supporting the Seceding Ministers in Ulster, in Ireland; for one year .....  
Expense of supporting the Protestant Dissenting Ministers in Ireland; for one year .....  
For improving and completing the Harbour of Dublin  
Expense of making a Survey of the River Shannon  
For carrying on the Works of the Harbour of Dublin  
Probable Expenditure of the Board of Works in Ireland  
Expense of Printing, Stationery, and other Disbursements of the Chief and Under Secretaries Offices and of the

## CLASS II.—PUBLIC

**GREAT BRITAIN and IRELAND, in the  
ments, and of the Actual Issues or Payments  
of Funded Debt, or for paying off Unfunded**

### EXPENDITURE

**Dividends, Interest and Management of the Public  
4 quarters to 10th Oct. 1822, exclusive of 15,810  
issued to the Commissioners for the Reduction  
Debt .....**

**Interest on Exchequer Bills and Irish Treasury  
of 301,250*l.* Sinking Fund .....**

**Issued to the Trustees of Military and Naval Pensions,  
3rd Geo. 4, c. 51 .....**

**Civil List, 4 quarters to 5th January, 1823 .....**

**Pensions charged by Act of Parliament, upon Consolidated Fund, 4 quarters, to 1st**

**Salaries and Allowances . . . . . Di**

**Officers of Courts of Justice . . . . . Di**

**Expenses of the Mint . . . . . Di**

**Bounties . . . . . Di**

**Miscellaneous . . . . . Di**

**Ditto Ireland . . . . . Di**

**Army .....**

**Navy .....**

**Navy Treasurer of Greenwich Hospital to pay Out**

**Ordnance .....**

**Miscellaneous .....**

**Deduct the Sum issued to the Trustees of Military and Naval Pensions, being charged in the above list**

**Total**

**Bank of Ireland—Balance due for Advances for C  
Interest on Advances made on the Credit of 4  
Sinking Fund in Ireland, 1821 .....**

**By the Commissioners for issuing Exchequer Bills,  
3, c. 34 & 124, for the employment of the Poor  
Advances out of the Consolidated Fund in the  
Works .....**

**Surplus of Income paid into the Exchequer**

# CLASS V

## SERVI

1819, 1820, 1821, and 2  
unpaid or unprovided for.  
To pay off and discharge Ex  
pursuant to several Acts  
of his late Majesty, and  
his present Majesty, for an  
Exchequer Bills, for the  
Works and Fisheries in t  
and for Building, and pr  
of additional Churches,  
amount granted in the two  
liament, for the discharge  
Bills issued under the two

To pay off and discharge  
charged upon the Aids on  
1822, outstanding and un  
Towards paying off and  
Bills issued in Ireland, in  
5th day of January, 1823  
governor and company of  
the sum remaining unpaid  
and company, on the 1st  
account of money advanc  
act of the 2nd year of the  
Majesty, for the assistance  
factories in Ireland, by an  
of certain sums for the St  
Credit there .....

P.

Not being pa

William Ross Haworth, esq  
in preparing Exchequer 1  
Grosvenor Charles Bedford,  
Expenses in the Office of t  
the National Debt .....

Expenses in the Office of  
usual Charges, per Act  
Expenses in the Office of the  
Exchequer Bills .....

Expenses in the Office of  
Collection and Managen  
Bank of England, for Mana  
Expenses in the Office of th  
the Land-tax .....

For defraying the Charges  
for 1822, &c.  
Repayment of Annuities old



CLASS II.—PUBLIC

EXCHEQUER on the 5th of January, 1823; the Money applied towards the Money remaining in the Exchequer

APPLIED BY  
The Commissioners for the Reduction  
in the Redemption of Public

Sinking Fund Interest on Redeemed	
Funded Debt .....	1
Unfunded Debt .....	
Navy 5 per cent. Annuities paid off	
In Great Britain ...	
Ireland .....	

Applied towards Redemption of Funder Debt...

UNFUNDED DEBT.

Issued to the Paymasters of Exchequer Bills to  
Unfunded  
Irish Treas

TOTAL Unfunded Debt paid

Balance at 5th January, 1823 .....  
Do. to the Account of the Trustees of  
Pensions, towards payments becoming due fi  
January, 1823.....

CLA.

An Account of  
United King  
Years ending  
Great Britain

YEARS ending 31st January.	VALUE OF calculus of 17
1821.....	32,438,
1822.....	30,792,
1823.....	30,500,

Inspector General  
London, 24

An Account of  
GREAT BR.  
(stated exc

YEARS ending 31st January.	VALUE calculus of 17
1821 31,484,	VALUE calculus of the Trade with Ireland
1822 29,724,	
1823 29,401,	

Inspector General  
London,

## CLASS III.—CON

United Kingdom of GREAT BRITAIN :  
of the CONSOLIDATED FUND within the

### HEADS OF PAY

Dividends, Interest, Sinking Fund, and Manag  
4 Quarters to 10th October, 1822 .....  
Sinking Fund Irish Treasury Bills .....  
Interest on Exchequer Bills issued upon the Cred  
Trustees for Naval and Military Pensions, per Act  
Civil List, 4 Quarters to 5th January, 1823 .....  
Pensions charged by Act of Parliament upon the  
10th October 1822 .....  
Salaries and Allowances .....  
Officers of Courts of Justice .....  
Expenses of the Mint .....  
Bounties .....  
Miscellaneous .....  
Do. Ireland .....  
Advances out of the Consolidated Fund in Ireland  
Interest on Advances made by the Bank of Ireland

SURPLUS of the CON

S. R. LUSHINGTON.

CONSOLIDATED FUND of the Ur  
in the same Year, including the Ac  
ment and at the termination of the

### HEADS OF CH

Dividends, Interest, Sinking Fund, and Man  
4 Quarters to 5th January, 1823 .. .....  
Interest on Exchequer Bills issued upon the Cr  
Sinking Fund Irish Treasury Bills.....  
Trustees Naval and Military Pensions, per Act 3  
Civil List, 4 Quarters to 5th January, 1823 .....  
Pensions charged by Act of Parliament upon 1  
5th January, 1823 .....  
Salaries and Allowances .....  
Officers of Courts of Justice .....  
Expenses of the Mint .....  
Bounties .....  
Miscellaneous .....  
Do. Ireland .....  
Advances out of the Consolidated Fund in Ireland  
Interest on Advances by the Bank of Ireland, &

Exchequer Bills issued to make good the Cl  
January, 1822 (including £.1,437,000 in  
towards the Supplies, and for which Sum, Ea  
deposited in the Tellers Chest) .....

LUSHINGTON.

# CLASS

NAV

NEW VESSELS BUILT  
of their TONNAGE  
BRITISH EMPIRE  
respectively.

United Kingdom.....  
Isles Guernsey, Jersey, and  
British Plantations .....

VESSELS REGISTERED  
of their TONNAGE  
Navigating the sea  
on the 30th Septe

United Kingdom .....	21,1
Isles Guernsey, Jer- sey, and Man .....	4
British Plantations ...	3,4
<b>Total .....</b>	<b>25,3</b>

WILLIAM MARECHAL,  
Inspector General of the Imports and Exports of Ireland.

Custom-house, Dublin,  
10th March, 1873

# CLASS IV.—PUBL

and IRELAND, and of the CHARGE thereon  
7,500,000*l.* raised in 1822.

		C <i>l</i>
		11
		12
Sinking Fund	Annual Grants ..	1
	Expired Annuities ..	1
	Exchequer Life Annuities, Un- claimed and Expired.....	1
	Per centage on Capitals created by Loans ..	11
	Annual Interest on Stock re- deemed ..	11
	Long Annuities ..	11
		13
Due to the Public Creditor	Annual Interest on Unredeemed Debt ..	25
	Long Annuities, expire 1840 ..	1
	Life Annuities, payable at the Exchequer ..	1
	Do. Irish Life Annuities ..	1
		26
Management ..		26
		40
The Trustees of Military and Naval Pensions and Civil Superannuations.....		2
Total United Kingdom ..		43



## INDEX T

*Appellate Jurisdiction, 1946;*  
Austria, 435

Beer Bill, 1439

Commutation of Tithes in 2  
Contracts; Equitable Adjust

Disenters' Marriages Bill, 1

English Catholics Elective 1  
Equitable Adjustment of Ca

Foreign Policy of Great Br  
Foreign Wool, 648

France and Spain; Negotia

Ireland; *Commutation of T*  
Ireland; State of, 1033

Irish Insurrection Bill, 1435

## INDEX T

Abolition of Slavery, 255, 2

Administration of the Laws

Agricultural Distress, 609

America; North West Coast

Austria, 439.

Barilla Duties, 738, 973

Beer Duties Bill, 214, 975

Breach of Privilege, 117, 1

British Roman Catholics Tr  
1031, 1127,

British Museum, 1112, 135

Budget, The, 1412

Beil Bailing, 433

Burning of Hinton Widow  
Butt, Mr., 1074.

Carille, Mr.; his Petition re  
his Property, 114

Cash Payments; Remittance

Chancery; Delays in the C

# CLASS V.—U

## An Account of the UNFUNDED DEBT and the Demands outstanding

<b>Exchequer Bills.....</b>
<b>Some remaining unpaid, charged upon Aids granted by Parliament .....</b>
<b>Advances made out of Consolidated Fund in Ireland, towards Supplies which are to be repaid to Consolidated Fund, out of Ways and Means in Great Britain .....</b>
<b>TOTAL Unfunded Debt, and Demands outstanding .....</b>
<b>Ways and Means .....</b>
<b>SURPLUS Ways and Means .....</b>

**Exchequer Bills to be issued to complete the  
Charge upon the Consolidated Fund .....**

here, }

## INDEX

**Aberdeen, Earl of, 1293**  
**Bathurst, Earl, 1018**  
**Bexley, Lord, 1453, 1529, 153**  
**Caledon, Earl of, 1046**  
**Calthorpe, Lord, 210, 971, 2**  
**Canterbury, Archbishop of, 540**  
**Carnarvon, Earl of, 973, 1071,**  
**Chester, Bishop of, 542, 630, 4**  
**Clare, Earl of, 1041**  
**Cliffden, Viscount, 1041, 1489**  
**Colchester, Lord, 1320, 1548,**  
**Dacre, Lord, 1493**  
**Darlington, Earl of, 1534**  
**Darley, Earl of, 1043, 1439,**  
**David's St., Bishop of, 1489**  
**Derry, Bishop of, 542**  
**Derenshire, Duke of, 1033**  
**Eldon, Earl of; see Lord Chan-**  
**Ellenborough, Lord, 207, 541,**  
**972, 980, 1354, 1356, 1432**  
**Erkine, Lord, 1321**  
**Gosford, Earl of, 1046,**  
**Grey, Earl, 170**  
**Gresvener, Earl, 1321, 1328**  
**Harrowby, Earl of, 971, 1484**  
**Holland, Lord, 200, 1051, 13**

## INDEX

**Abercromby, Hon. James, 10**  
**362, 363, 376, 442, 514, 6**  
**1302, 1335, 1427, 1522**  
**Acland, Sir Thomas, 648**  
**Althorp, Viscount, 221, 349,**  
**Attorney General (Sir Robert**  
**369, 7-4, 1077, 1245, 1515**  
**Altwood, Matthias, 598, 945**  
**Banks, Henry, 589, 1032,**  
**1341, 1425**  
**Banks, George, 387, 804, 10**  
**Baring, Alexander, 145, 211**  
**896, 1360**  
**Berry, Colonel, 12, 117, 132**  
**607, 804, 1294**  
**Becher, W. W. 237**  
**VOL. IX.**

# CLASS VI.—DISPO

## SERVICES—continued.

Extraordinary Expenses of the Department of the  
 lain, for Fittings and Furniture for the two H  
 ment; in 1822 .....  
 Expense of certain Colonial Services, formerly  
 Extraordinaries of the Army; for 1822 .....  
 Charge for printing Acts of Parliament for the two  
 liament, for the Sheriffs, Clerks of the Peace, a  
 trates throughout the United Kingdom, and  
 Justices throughout Great Britain; also for  
 Reports, Evidence, and other Papers and A  
 House of Lords; for 1822 .....  
 Expense of printing the Votes of the House of C  
 the present Session .....  
 Deficiency of the Grant of 1821, for printing I  
 House of Commons, during the last session ....  
 For paying, in the year 1822, the usual Allowan  
 Dissenting Ministers in England, Poor French  
 goe Clergy, Poor French Protestant Refugee L  
 small Charitable and other Allowances to U  
 Martin-in-the-Fields, and others .....  
 Deficiency of the Grant of 1820, for the Supple  
 Printing done by order of the House of Commo  
 the Session of 1819 .....  
 Expense of printing Bills, Reports, and other Pa  
 the House of Commons, during the present Sea  
 Deficiency of the Grant of 1821 for printing Acts  
 the two Houses of Parliament, for the Sherif  
 Peace, and Chief Magistrates throughout the  
 and for the acting Justices throughout Great  
 printing Bills, Reports, Evidence, and othe  
 counts for the House of Lords.....  
 Deficiency of the Grant of 1821, for printing Bi  
 other Papers, by Order of the House of Com  
 last Session .....  
 Expense that may be incurred in 1822, for prin  
 of the 77th volume of the Journals of the Hous  
 the present Session ... .....  
 Expense that may be incurred f r re-printing Jo  
 of the House of Commons; in 1822 .....  
 Foreign and other Secret Services; for 1822 ..  
 For making good the Deficiencies in the Fee Fu  
 ments of the Treasury, Three Secretaries of  
 Council; for 1822 .....  
 Contingent Expenses and Messengers Bills in  
 the Treasury, Three Secretaries of State, P  
 lord Chamberlain; for 1822 .....  
 For defraying, in 1822, the Charge of Allowan  
 tions, granted or allowed as retired Allowanc  
 tions, to Persons formerly employed in Public  
 ments, or in the Public Service, according to  
 of his late Majesty .....  
 To pay off and discharge such of the propri  
 Annuities and Government Debentures, paya  
 Ireland, as have signified their dissent to  
 Annuities in lieu thereof .....  
 To pay off and discharge such of the Proprie  
 cent Annuities, and of Irish 5 per cent Annu  
 Bank of England, who have signified their di  
 per cent Annuities in lieu thereof .....  
 To pay off and discharge such of the Proprie  
 Annuities, and Government Debentures, pa  
 of Ireland, as have signified their dissent, as  
 4 per cent annuities in lieu thereof.....  
 To make good the Deficiency of the Grants for  
 year 1821.....  
 For defraying the Deficiency of the Grant of  
 1,750 Copies of the 76th volume of the Jour  
 Commons .....

401.  
1286  
  
1591  
  
2, 74  
  
1876  
  
B. 441  
B. 500  
1212  
1201  
A. 500  
B. 212  
J. 50  
  
1258  
  
  
  
} 641, 1  
65  
  
R. 461  
  
36, 387, 39  
1014  
  
C. 400, 196  
  
472, 601, 11  
  
6-63  
506, 376, 37

Nicholl, Sir John, 602  
Newport, Sir John, 232, 361,  
804, 805, 806, 1199, 1236,  
Noel, Sir Gerard, 1022, 1027  
Nugent, Lord, 574, 591, 965,  
  
O'Grady, Captain, 1001, 1431  
Osmamny, Sir P., 1099  
Ouslow, Mr. Sergeant, 256, 6  
  
Palmer, Charles, 1498  
Palmer, Charles Fyke, 1098  
Palmerston, Viscount, 81, 44  
Parnell, Sir Henry, 151, 60  
1293, 1507  
Peel, Mr. Secretary, 19, 117  
420, 433, 510, 535, 587  
922, 981, 984, 1010, 10  
1137, 1201, 1232, 1306, 15  
1475, 1493, 1496, 1497, 1  
Peel, William, 1343  
Phillips, George, 382, 567, 8  
Philimore, Dr., 965, 967  
Pienkott, Right Hon. W. C.  
Poyntz, Mr., 645  
  
Rae, Sir William; see Lord A  
Ricardo, David, 149, 213,  
457, 597, 601, 606, 738  
974, 976, 1015, 1386, 139  
Rice, Thomas Spring, 237,  
805, 806, 978, 981, 993  
1425, 1427, 1429, 1432, 1  
Ridley, Sir M. W., 118, 434  
Robertson, Alexander, 226,  
1434  
Robinson, Right Hon. Francis  
the Exchequer.  
Rose, Sir George, 312  
Rosenhold, C. E. 1438  
  
Scarlett, James, 211, 213,  
703, 772, 978, 1009, 14  
1508  
Seabright, Sir John, 239, 644  
Shelley, Sir John, 644



## CLASS VI.—DISPOSABLE

### SERVICES—continued.

To defray the Burs awarded to William James Robinson, being two American Loyalists, who not included in the list submitted to previous session .....	
To complete the Sum of 12,500 <i>l.</i> on account of which would have been due to her late Majesty on the 10th of October 1821, to be applied toward of the Debts due by, and remaining unpaid out her late Majesty, to her British Creditors, for V done, or Goods supplied for her late Majesty's	
To be paid to Mr W. Adams, as a reward for the S has rendered to the Public, in superintending Hospital .....	
For defraying the Charge of the following Service which are directed to be paid Nett in British	
For the employment of the poor in Ireland, an relating thereto, as the exigency of affairs may	
To enable his Majesty to take such measures as affairs in Ireland, may require .....	
Civil Contingencies in Ireland; for one year, end 1823 .....	
For making good the Deficiency of the Grant of 1 ing the Expense of Printing, Stationery, and uth of the Chief and Under Secretaries Offices and other Public Offices in Dublin Castle, &c.; Charges and other Expenses of the Deputy Messengers attending the said Offices; and als Allowances in the Chief Secretary's Office ....	
For making good the Deficiency of the Grant of 1 ing the Expense of printing 1,500 Copies quarto edition of the Statutes of the United Kin of the Magistrates of Ireland; and also 250 Cop tion of the same, bound for the use of the Lord Public Officers in Ireland .....	
Expense of printing 115 Copies of a folio editi General Acts of the present Session, for the o Bishops, and other Public Officers in Ireland Copies of a quarto edition, for the use of ti Magistrates in Ireland .....	
Expense of supporting the Non-conforming Min for one year .....	
Expense of supporting the Seceding Ministers i Ulster, in Ireland; for one year ..	
Expense of supporting the Protestant Dissenting land; for one year .....	
For improving and completing the Harbour of H	
Expense of making a Survey of the River Shannon	
For carrying on the Works of the Harbour of Dub	
Probable Expenditure of the Board of Works in	
Expense of Printing, Stationery, and other Dis	
Chief and Under Secretaries Offices and Apart	
Public Offices in Dublin Castle, &c. and for R	
other Expenses of the Deputy Pursuivants an	
tending the said Offices; and also supernann	
the Chief Secretary's Office; for one year, end	
Expense of publishing Proclamations, and other	
nature, in the Dublin Gazette, and other News	
for the same time .....	
Expense of Criminal Prosecutions, and other	
Ireland; for the same time .....	
Expense of apprehending Public Offenders in	
same time .....	
Expenses of the Lord .....	
in Ireland; for	
of .....	
as several late Governors	
years, ending the 1	

1

## CLASS VI.—DISPO

### SERVICES—continued.

1819, 1820, 1821, and 1822, now remaining unpaid or unprovided for..... £.  
To pay off and discharge Exchequer Bills issued pursuant to several Acts of the 57th and 58th of his late Majesty, and one Act of the 1st of his present Majesty, for authorising the issue of Exchequer Bills, for the carrying on Public Works, and Fisheries in the United Kingdom; and for Building, and promoting the Building of additional Churches, over and above the amount granted in the two last Sessions of Parliament, for the discharge of the Exchequer Bills issued under the two first-mentioned Acts

To pay off and discharge Irish Treasury Bill charged upon the Aids or Supplies of the year 1822, outstanding and unprovided for .....  
Towards paying off and discharging Treasury Bills issued in Ireland, in the year ended the 5th day of January, 1822, to make good to the governor and company of the Bank of Ireland the sum remaining unpaid to the said governor and company, on the 11th of July, 1821, on account of money advanced by them under a act of the 1st year of the reign of his present Majesty, for the assistance of Trade and Manufactures in Ireland, by authorising the advance of certain sums for the Support of Commercial Credit there .....

### PAYMENTS FOR

Not being part of the Supplies

William Rose Haworth, esq. on his salary for in preparing Exchequer Bills, pursuant to Act  
Grosvenor Charles Bedford, esq. his Successor  
Expenses in the Office of the Commissioners for the National Debt .....  
Expenses in the Office of the Commissioners for additional Churches, per Act 58 Geo. 3, c. 45 ...  
Expenses in the Office of the Commissioners for Exchequer Bills .....  
Expenses in the Office of the Commissioners for Collection and Management of the Revenue Bank of England, for Management on Life Ann  
Expenses in the Office of the Commissioners for the Land-tax .....  
For defraying the Charges of preparing and d for 1822, &c.  
Repayment of Annuities claimed pursuant to A

Total Payments  
Amount of Sums

Total Sums voted



3 9015

## CLASS VIII.—TRADE

### TRADE OF THE

An Account of the VALUE of all IMPORTS  
United Kingdom of GREAT BRITAIN  
Years ending the 5th January,  
Great Britain and Ireland reciprocal

YEARS ending 5th January.	VALUE OF IMPORTS calculated at the Official Rates of Valuation.	Amount	
		Produce and Manufactures of the United Kingdom	
	£. s. d.	£. s. d.	
1821.....	32,438,650 17	3,38,395,353	7
1822.....	50,792,763 4 10	40,831,744	17
1823.....	30,500,094 17	44,236,333	2

Inspector General's Office, Custom House, }  
London, 24th March, 1823.

### FOREIGN TRADE

An Account of the VALUE of all IMPORTS  
GREAT BRITAIN, during each of  
(stated exclusive of the Trade with

YEARS ending 5th January.	VALUE OF IMPORTS calculated at the Official Rates of Valuation.	Amount	
		Produce and Manufactures of United Kingdom	
	£. s. d.	£. s. d.	
1821	31,484,108 11	8,37,816,035	1
1822	29,714,173 13	10,194,092	1
1823	29,401,807 10	43,358,688	1

Inspector General's Office, Custom House,  
London, 14th March, 1823.



# CLASS VIN-TEA

## NAVIGATION OF

**NEW VESSELS BUILT.—An Ac**  
**of their TONNAGE, that w** 1  
**BRITISH EMPIRE, in the Y**  
**respectively.**

United Kingdom.....	
Isles Guernsey, Jersey, and Man .....	
British Plantations .....	
<b>Total .....</b>	

**VESSELS B STI D.—An /**  
**of their Ton . . the N**  
**Naviga . . , 1**  
**on the 30 . . in )**

	On 30th Sept. 1920.		
	Vessels.	Tons.	Miles
United Kingdom .....	31,473	2,412,804	135,
Isles Guernsey, Jersey, and Man .....	486	35,223	3,
British Plantations ...	3,405	209,364	15,
.....			174,

# I N

TO

*N E W*

## INDEX TO DEBATES

Appellate Jurisdiction, 1246, 1321, 1348

Austria, 435

Beer Bill, 1432

Commutation of Tithes in Ireland, 538

Contracts; Equitable Adjustment of, 1

Disenters' Marriages Bill, 967

English Catholics Elective Franchise Bill, 1476

Equitable Adjustment of Contracts, 1

Foreign Policy of Great Britain, 170

Foreign Wool, 648

France and Spain; Negotiations relative to, 170

Ireland; Commutation of Tithes in, 538

Ireland; State of, 1033

Irish Insurrection Bill, 1439

---

## INDEX TO DEBATES I

Abolition of Slavery, 255, 257

Administration of the Laws in Ireland, 1203, 1

Agricultural Distress, 609

America; North West Coast of, 387

Austria, 439.

Barilla Duties, 738, 973

Beer Duties Bill, 214, 975, 992, 1494

Breach of Privilege, 117, 691

British Roman Catholics Test Regulation Bill,  
1031, 1127,

British Museum, 1112, 1357

Budget, The, 1412

Ball Baiting, 433

Burning of Hindoo Widows, 1017

Butt, Mr., 1074.

Carlisle, Mr.; his Petition respecting the Seizure  
his Property, 114

Cash Payments; Resumption of, 833

Chancery; Delays in the Court of, 706, 739,

**Four and a Half per Cent Duties, 819**  
**Free Discussion in Matters of Religion ;**  
**for, 1365**

**Game Bill ; Sale of, 79, 644**  
**Greeks, 439.**

**Half-pay of the Army in Ireland, 442**  
**Haydon, Mr. ; his Petition respecting H**  
**Painters, 1209**  
**Hindoo Infanticide, 1021**  
**Hindoo Widows ; Burning of, 1017**  
**Historical Painters, 1209**

**Ingressing Bills, 1423**  
**Insolvent Debtors Bill, 576**  
**Ireland ; Administration of the Laws in, 12**  
**Ireland ; Edification of the Poor of, 1241**  
**Ireland ; Half-pay of the Army in, 442**  
**Ireland ; Poor of, Employment of the, 10**  
**Ireland ; Lord Lieutenantcy of, 1212**  
**Irish Insurrection Bill, 218, 1147**  
**Irish Tithes Composition and Commutati**  
**366, 602, 802, 989, 1434**  
**Irish Trading Vessels, 388**  
**Irish Harbour and Light Dues, 388**  
**Irish Joint Tenancy Bill, 560**

**Juries ; Special, 563**  
**Juries ; Grand, 964**  
**Jurors' Qualification Bill, 1103, 1496**

**Larcenies (Benefit of Clergy) Bill, 1244**  
**Law Merchant, 256**  
**Law of Settlement, 693**  
**Law of Principal and Factor, 211, 256**  
**Leeward Island Duties, 819**  
**Library of the late King, 1112, 1357**  
**London Bridge Bill, 988**  
**Lord Advocate of Scotland ; Conduct o**  
**case of W. M. Borthwick, 664**  
**Lord Lieutenantcy of Ireland, 1212**  
**Lottery, 1139**

**Machinery, 598**  
**Madhouses ; Private, 1332**  
**Malt and Beer Tax ; Collection of, 592**  
**Malta ; Quarantine Regulations at, 1526**  
**Marriages ; Roman Catholic, 965**  
**Middlesex County Court, 1079**

**Navy ; Promotions in the, 1079**  
**Newfoundland ; State of, 245,**  
**New South Wales Jurisdiction Bill, 1400**

**O'Grady ; Conduct of Chief Baron, 360, 9**  
**1421, 1429, 1506**

## INDEX OF NAMES—

**Aberdeen, Earl of, 1328**  
**Bathurst, Earl, 1038**  
**Baxley, Lord, 1423, 1529, 1533**  
**Caledon, Earl of, 1046**  
**Calthorpe, Lord, 210, 971, 1440, 1534**  
**Canterbury, Archbishop of, 540, 651, 656, 970**  
**Carnarvon, Earl of, 972, 1071, 1251, 1356**  
**Chester, Bishop of, 542, 650, 652, 971**  
**Clare, Earl of, 1041**  
**Clifden, Viscount, 1041, 1489**  
**Colchester, Lord, 1320, 1348, 1534**  
**Doore, Lord, 1433**  
**Darlington, Earl of, 1534**  
**Darnley, Earl of, 1043, 1439, 1440**  
**David's St., Bishop of, 1482**  
**Derry, Bishop of, 542**  
**Devonshire, Duke of, 1033**  
**Eldon, Earl of; see Lord Chancellor**  
**Ellenborough, Lord, 207, 541, 542, 658, 659, 660, 972, 986, 1354, 1356, 1439, 1490, 1533**  
**Erskine, Lord, 1321**  
**Geofford, Earl of, 1046**  
**Grey, Earl, 170**  
**Gresvenor, Earl, 1321, 1328**  
**Harrowby, Earl of, 971, 1486, 1530, 1534**  
**Holland, Lord, 200, 1051, 1319, 1330, 1356, 1490**

---

## INDEX OF NAMES—

**Abercromby, Hon. James, 10, 31, 118, 120, 161, 362, 363, 376, 442, 514, 664, 761, 803, 1235, 1302, 1335, 1427, 1522**  
**Acland, Sir Thomas, 648**  
**Althorp, Viscount, 221, 349, 543, 597, 702**  
**Attorney General (Sir Robert Gifford), 132, 431, 569, 724, 1077, 1245, 1519**  
**Altwood, Matthias, 598, 945**  
**Banks, Henry, 589, 1032, 1126, 1138, 1197, 1341, 1425**  
**Banks, George, 587, 804, 1032, 1346**  
**Baring, Alexander, 125, 211, 235, 342, 388, 537, 846, 1360**  
**Berry, Colonel, 12, 117, 132, 375, 441, 494, 559, 607, 804, 1294**  
**Bocher, W. W. 237**  
**VOL. IX.**

# I N

**Nicholl, Sir John, 602**  
**Newport, Sir John, 232, 361, 375, 389, 510, 54**  
     804, 805, 806, 1199, 1236, 1241  
**Noel, Sir Gerard, 1022, 1027, 1031**  
**Nugent, Lord, 574, 591, 965, 1128, 1138**  
  
**O'Grady, Captain, 1001, 1431, 1475, 1507, 1509**  
**Ommaney, Sir F., 1099**  
**Onslow, Mr. Serjeant, 256, 611, 1319**  
  
**Palmer, Charles, 1498**  
**Palmer, Charles Fycho, 1098**  
**Palmerston, Viscount, 81, 443**  
**Parnell, Sir Henry, 151, 605, 1148, 1202, 123**  
     1293, 1507  
**Peel, Mr. Secretary, 12, 117, 120, 235, 364, 37**  
     420, 433, 510, 535, 587, 606, 648, 706, 80  
     922, 981, 984, 1010, 1013, 1026, 1032, 110  
     1137, 1201, 1232, 1306, 1333, 1336, 1344, 139  
     1475, 1493, 1496, 1497, 1507, 1524  
**Peol, William, 1343**  
**Phillips, George, 382, 567, 599, 965, 1016**  
**Phillimore, Dr., 965, 967**  
**Plunkett, Right Hon. W. C. 9, 119, 128, 229, 24**  
**Poyntz, Mr., 645**  
  
**Rae, Sir William ; see Lord Advocate for Scotland**  
**Ricardo, David, 149, 213, 214, 215, 378, 38**  
     457, 597, 601, 606, 738, 801, 816, 831, 84  
     974, 976, 1015, 1386, 1399, 1438  
**Rice, Thomas Spring, 237, 360, 363, 384, 38**  
     805, 806, 978, 981, 993, 1021, 1198, 141  
     1425, 1427, 1429, 1432, 1474, 1475, 1506  
**Ridley, Sir M. W. 118, 434**  
**Robertson, Alexander, 226, 256, 456, 801, 119**  
     1434  
**Robinson, Right Hon. Frederick ; see Chancellor**  
     the Exchequer.  
**Ross, Sir George, 312**  
**Rumbold, C. E. 1438**  
  
**Scarlett, James, 211, 213, 430, 502, 536, 54**  
     703, 772, 978, 1009, 1474, 1475, 1497, 150  
     1508  
**Sabright, Sir John, 239, 644**  
**Shelley, Sir John, 644**

# E N D O





THE UNIV

~~JAN 13 1961~~

JAN 22 1961

~~AUG 25 1961~~  
AUG 29 1961



**DO NOT**

